

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, April 1, 2003  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Sydney Stigge-Kaufman, InterFaith Ministries, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The Minutes of the regular meeting of March 25, 2003, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

Recognition      NCCJ Building Bridges Program was recognized.

Wichita's Promise      Wichita's Promise – Youth Service Awards were presented.

MuniNet Award      MuniNet Web Site Award was presented.

Proclamations      Proclamations previously approved were presented.

Citizen Recognition      Outstanding Citizens of Wichita - Dr. D. Cramer and Geney Reed were recognized.

RECESS      The City Council recessed to a reception for Dr. D. Cramer and Geney Reed at 10:13 a.m. and returned to regular session at 10:37 a.m.

GolfWichita.com      Launching of GolfWichita.com was presented.

**UNFINISHED BUSINESS**

Motion -- carried      Knight moved that the rules be set aside and an Item be taken up out-of-order. Motion carried 7 to 0.

(The Council proceeded to take up Item 4; action is shown in Agenda order.)

**FIRE STATION DISP.      FIRE STATION DISPOSAL.**  
(Continued from March 18, 2003)

Chris Cherches      City Manager reviewed the Item.

Agenda Report No. 03-0266A.

The 1998-2007 Capital Improvement Plan included the relocation and construction of a number of fire stations in the City. These relocations became necessary because of recent and projected growth and

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the ability to provide timely emergency response to all areas of the City. Expanding City boundaries, population shifts, an increased number of multi-family complexes, and new and changing industrial developments result in changing fire risks. A comprehensive analysis was made on the alignment of City fire protection resources regarding the placement of fire stations, equipment, and station staffing. Since the study, the City has taken action to initiate the relocation of stations, including site selection and land acquisitions for two new stations. On March 18, 2003, the City Council deferred this Item to April 1, 2003.

To date, five new stations are nearing completion and will soon be operational. These stations will serve as relocations – that is, these facilities will replace existing older stations that are old and no longer efficient in serving the response areas. Once the personnel and equipment are relocated into new stations, these old facilities will be ready to surplus. The following stations will be vacated in the near future.

|                     |                    |
|---------------------|--------------------|
| 2828 W. 13th Street | 101 S. Martinson   |
| 600 W. MacArthur    | 1903 W. Pawnee     |
| 1702 S. West        | 1955 S. Santa Fe * |

\* This station was discontinued from active fire station use many years back, and after housing elements of Fire training for a period of time is now ready for de-activation

Once these buildings are vacated, they will be ready to be disposed of. Staff is recommending that the City's Disposal of Public Property Policy be followed by establishing a minimum price, advertising and selling to the best bidder for area compatible usage. The Council is also being requested to allow the City Manager to retain necessary facilities for temporary use for storage or other necessary City usage

The City has statutory authority to dispose of real property, including fire station properties.

Disposition proceeds (minus any sale expenses) will be deposited in the Debt Service Fund and used to defray expenses of future fire station construction.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that City Council approve disposition of these properties, once vacated, unless temporarily needed for City usage. Motion carried 7 to 0.

**DR2003-00009**

**DR2003-00009 – DELANO NEIGHBORHOOD OVERLAY DISTRICT AND DESIGN GUIDELINES – EAST OF MERIDIAN, WEST OF THE ARKANSAS RIVER, NORTH OF KELLOGG, AND SOUTH OF CENTRAL. (DISTRICTS IV AND VI)**

(Continued from November 5, 2002)

Dale Miller

Acting Planning Director reviewed the Item.

Agenda Report No.02-1993A.

Staff and Select Review Committee Recommendation:

- a) Approve first reading of the Ordinance adopting the revised Delano Neighborhood Overlay District;
- b) Adopt by Council motion, the Delano Neighborhood Design Guidelines dated April 1, 2003.

On September 26, 2002, the Metropolitan Area Planning Commission held a hearing to consider a proposed Overlay District and Design Guideline concept for the Delano area, in conjunction with a proposed area-wide down-zoning initiative. The MAPC passed a motion to deny the proposed Overlay District and Design Guidelines and to defer a decision on the rezoning initiative until the Commission meeting of December 19, 2002. The rezoning initiative was subsequently approved by the MAPC on December 19, 2002, and by the City Council on January 14, 2003.

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Regarding the proposed Delano Overlay District and Design Guidelines, the District IV Council member requested that these items be placed on the November 5, 2002 City Council agenda for action. City Council ultimately voted to defer these items until such time as the Delano zoning matter came before Council. They also directed that a select committee be established to work on resolving the outstanding objections associated with the Overlay District and Design Guidelines, and report back to Council with recommendations and findings.

Based upon Council direction, a select committee was assembled in early February 2003 to review the concerns and objections that had been raised with the proposed Delano Overlay District and Design Guidelines. The Committee was comprised of one representative each from the Delano Business Association, the Delano Clergy Association, the Delano Neighborhood Association, the Delano Development Corporation, the Wichita Historic Preservation Board, the District IV Advisory Board, the Metropolitan Area Planning Commission, the Wichita Area Builders Association and the Wichita Independent Business Association. The Committee met a total of six times during February and March to review the proposed Overlay and Design Guidelines, and find points of consensus and agreement. On March 12th, the Committee concluded its deliberations and directed staff to prepare for City Council adoption, a revised version of the proposed Delano Overlay District and Design Guidelines that reflected the points of consensus and compromise.

An Ordinance has been prepared that reflects the revisions to the Delano Neighborhood Overlay District as recommended by the Select Review Committee. The Delano Neighborhood Design Guidelines have also been revised to reflect the revisions recommended by the Committee. The significant revisions recommended by the Select Review Committee are summarized below:

#### Delano Neighborhood Overlay District revisions

- Delete the Urban Village redevelopment area from the requirements of the Overlay District and the Design Guidelines (except for frontage properties along Douglas and Seneca).
- Limit the composition of the Design Review Committee to City staff.
- Create a Design Advisory Committee comprised of Delano representatives (same composition as the Select Review Committee) to provide advice to the Design Review Committee on applications not conforming to the Design Guidelines.
- Streamline the decision-making ability of the Design Review Committee members on minor exterior design change requests.
- Establish an appeal to City Council on decisions of the Design Review Committee.
- Allow auto body shops and outdoor auto sales on a conditional use permit basis.
- Allow tattoo and body piercing facilities outright.
- Allow opportunity to make compatibility improvements to existing non-conforming billboards.

#### Delano Neighborhood Design Guidelines revisions

- Delete design guidelines intended for redevelopment in the Urban Village area.
- Clarification and wording improvements on several guidelines
- Delete prohibition on painting over "ghost signs".
- Establish a six month formal staff review of the guidelines to determine effectiveness and need for amendments.

Two options are available to Council now that the Select Review Committee has made its recommendations regarding the proposed Overlay District and Design Guidelines:

- a) Approve first reading of the Ordinance adopting the revised Delano Neighborhood Overlay District and adopt by Council motion, the Delano Neighborhood Design Guidelines dated April 1, 2003.
- b) Other actions deemed appropriate by Council.

There are no financial implications for the City associated with the adoption of this Ordinance.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed Delano Neighborhood Overlay District and Delano Neighborhood Design Guidelines on September 26, 2002, with the required notice of public hearing published in the official City newspaper. The revised Delano Neighborhood Overlay District and Delano Neighborhood Design Guidelines have been reviewed for legal consistency and appropriateness by the City's Legal Department. The adopting Ordinance has been reviewed and approved as to form.

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Council Member Lambke Council Member Lambke said he was opposed to the Overlay District and would vote against the Item.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Greg Ferris Greg Ferris, representing approximately thirteen properties in the Delano District, none of whom are in favor of the Overlay, said the guidelines will require more money and effort on the part of property owners than should be necessary. There is no greater public-good through this Overlay.

Jack Kellogg Jack Kellogg, President of the Delano Business Association, said many businesses have been attracted because of the feeling that this is an "up-and-coming" area. The main intent is to try to create a destination and protect the present area.

Ray Rancuret Ray Rancuret, Delano District member, said everything possible has been done to ensure that the Overlay is not an impediment. The Overlay was created to be less restrictive than an historic district.

Doug Shone Doug Shone, resident of the area, spoke in opposition to the guidelines and overlay because he has never been contacted other than via e-mail. The guidelines say nothing about rental properties.

Nancy Bradley Nancy Bradley, resident of the area, said residents do not know what revised guidelines the Overlay contains; and it is hard to find out what is going on.

Steve Reeves Steve Reeves, owner of several properties in the District, spoke in opposition to change.

Dave Barber Planning Department explained that notification was through members (appointed to represent various groups) of the Select Committee reporting back to their various representative groups results of the meetings.

Motion -- Gale moved that the Ordinance be placed on first reading, and the Delano Neighborhood Design  
-- carried Guidelines dated April 1, 2003, be approved. Motion carried 6 to 1. (Lambke- No)

## ORDINANCE

An Ordinance amending Section III.C Special Purpose and Overlay Zoning Districts of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, by the addition of Section III-C.8D-0, Delano Neighborhood Overlay District, introduced and under the rules laid over.

## **PROPERTY ACQ. ACQUISITION OF A PORTION OF 2920 NORTH WEST STREET. (District V)** (Continued from October 8, 2002)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 02-1918.

The Ten-year Capital improvements Program provides for the construction of a bridge over the Valley Center Floodway. Two preferred sites were deemed to be most feasible for such a bridge location. The City Council made a decision that a priority location would be at the 25th Street interchange with Hwy. 235. Plans for this bridge site have been developed, but funding is not currently available.

Staff has begun negotiations for opportunity acquisitions for right-of-way within the designated corridor. A tract located as part of the 2920 North West Street area has been identified and negotiated. The amount of land totals approximately 5.44 acres. An agreement has been reached on the purchase of this property totaling \$71,500. The property is currently leased for agriculture production and it is the intention to continue leasing this land for such purposes until it is required for future construction.

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The bridge project is scheduled in the Capital Improvements Program for 2002/2007. Acquisition funding would be from the local sales tax revenues. A budget of \$77,000 is requested and would include the purchase price and \$6,500 for survey work, title insurance and other closing costs.

- Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.
- Council Member Martz Council Member Martz said he has been opposed to this bridge from the start. This is not a bargain price at almost two-times the value of land in the surround area. Council Member Martz said he is opposed to proceeding at this time.
- Council Member Pisciotte Council Member Pisciotte said he hoped a way would be found to not have neighborhood pitted against each other and to find reconciliation; however, he would support this as an opportunity purchase – necessary if the planned bridge moves forward.
- Council Member Gale Council Member Gale said he supported the 29<sup>th</sup> Street Bridge project but was hesitant about purchase of the land.
- Steve Lackey Director of Public Works explained that the price was negotiated. The alternative is to proceed to eminent domain but with court costs and attorney fees, the cost would not be much different.
- Motion -- carried Knight moved that the acquisition be approved. Motion carried 4 to 3. Gale, Lambke, Martz – No.

**SPECIAL ASSMTS. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR PAVING PROJECTS IN BOND SALE SERIES 774, JULY 2003.**

(Continued from March 18, 2003)

- Neil Cable City Engineer reviewed the Item.
- Agenda Report No. 03-0257A.
- a) (472-83113\765700\490-811) - Improving 34th Street North to serve Ridge Port North Addition.
- b) (472-83275\765657\490-768) - Improving 34th Street North, Hazelwood, Ridge Port, 34th Court North, Hazelwood Court, and sidewalk along one side of 34th Street North and Ridge Port to serve Ridge Port North 3rd Addition and Ridge Port North Addition.
- Mayor Knight Mayor Knight inquired whether anyone wished to speak.
- Mert Buckley Mert Buckley, Attorney representing the resident on Item 3Aa, objected to the allocation , and said it violates Kansas Statutes. There are four properties affected equally that about the property. The problem is that one property benefits but has zero assessment. The assessments have to be apportioned among those who benefit. Mr. Buckley referred to a recent case in Dodge City, Kansas, which says everyone abutting the street must be assessed.
- Gary Rebenstorf Director of Law said the Law Department has reviewed Mr. Buckley's opinion and has come to a different conclusion. There is a difference of opinion as to the applicability of the Attorney General's Opinion. There is not a legal way to go back and respread the special assessments. The assessment was spread according to the petition submitted. The property was acquired knowing the petition was in place but after the petition was submitted.
- Motion -- Martz moved that the public hearing be closed and the Ordinances be placed on first reading. Motion -- carried 6 to 1. Knight-No.

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a) (472-83113\765700\490-811)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 34th Street North to serve Ridge Port North Addition, introduced and under the rules laid over.

b) (472-83275\765657\490-768)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of 34th Street North, Hazelwood, Ridge Port, 34th Court North, Hazelwood Court, and sidewalk along one side of 34th Street North and Ridge Port to serve Ridge Port North 3rd Addition and Ridge Port North Addition, introduced and under the rules laid over.

## NEW BUSINESS

(Item No. 4)  
**NEWMAN ROAD**

(This Item was taken up earlier in the meeting and is shown in Agenda order.)

**PERIMETER ROAD ALONG THE NORTH BOUNDARY OF NEWMAN UNIVERSITY – 350 FEET WEST OF SHERIDAN TO K-42 HIGHWAY. (District IV)**

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0353

Newman University officials have developed a Campus Master Plan that provides for McCormick to be vacated from K-42 Highway to Sheridan. It would be replaced by a perimeter road that would extend along the north campus boundary and connect McCormick on the west to K-42 Highway on the east. The vacated McCormick area would be developed as a landscaped pedestrian mall to connect the north and south campus areas.

McCormick Avenue currently functions as a major east/west collector street in the area. It extends approximately 2-1/2 miles from the Arkansas River to West Street, where it links to Lincoln on the east, and Irving to the west. Due to the wider street (40') and multiple lanes along many sections of this route, it provides a good facility for the industrial traffic in the area by allowing maneuvering space for ingress movements from drives. McCormick also provides continuity within the area since it is the only two-way facility between Kellogg and Harry Street that extends within this region. Flow is facilitated along McCormick by the placement of traffic signals along the route at the Lincoln, Seneca, K-42, and Meridian intersections to allow motorists safe and efficient access onto these major routes.

The proposed project realigns McCormick to the north of the campus adjacent to Kellogg/US54. Newman University proposes to help fund the project; particularly the design, in order to further refine the costs. It's proposed to prepare the design, refine the costs, and program into the next 2004-2013 Capital Improvement Program complete with cost sharing for the project between Newman University and the City of Wichita.

The estimated cost of the design is to be \$50,000, funded by Newman University. Staff has estimated the realignment costs to be approximately \$750,000, but the design will better refine these estimates. The construction will be funded from a combination of Newman University funds and City of Wichita General Obligation Bonds from the proposed Capital Improvement Program.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Knight

Mayor Knight inquired whether anyone wished to speak.

Dr. Dunlevy

Dr. Dunlevy, President of Newman University, reviewed the project and urged approval.

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Motion --

-- carried

Gale moved that the design project be approved; the Ordinance be placed on first reading; and the Staff Screening and Selection Committee be authorized to select a design engineer and program construction for the road in the next Capital Improvement Program. Motion carried 7 to 0.

## ORDINANCE

An Ordinance declaring a perimeter road along the north boundary of Newman University, from 350 feet west of Sheridan to K-42 Highway 472-83739 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## SPECIAL ASSMTS.

### **PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR WATER, SEWER, AND STORM WATER PROJECTS IN THE JULY 2003 BOND SALES, SERIES 744.**

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0354.

The Council was notified on February 11, 2002, that the proposed assessment rolls were on file for public inspection in the Debt Management Section of the Finance Department.

Notice of hearing was published February 14, 2003 ten days prior to the date of hearing, and affected property owners have been notified in writing. City personnel held an informal hearing March 3, 2003, for the water & sewer projects.

Statements of Special Assessment will be mailed to the property owners on April 11, 2003. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2003 Bond Sale and put on the 2003 tax roll over a 15-year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the exception of:

Project No.:

468-83238                      ordered in      Petition                      North of Central, West of 159 St. E.

## WATER PROJECTS:

a.            (470-726/735056/448-88703) Construction of Water Distribution System No. 448-88703 TO SERVE FOREST LAKES ADDITION, North of 29th Street, West of Ridge Road, as authorized by Resolution R-93-131 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$37,842.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

b)            (470-639/734969/448-88825) Construction of Water Distribution System No. 448-88825 TO SERVE ABERDEEN FIRST ADDITION, North of 21st Street, East of 119th Street West, as authorized by Resolution R-94-154 adopted April 26, 1994, and published April 29, 1994. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$38,969.00 is to be apportioned 70% payable by the improvement district and 30% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.

c)            (470-640/734970/448-88826) Construction of Water Distribution System No. 448-88826 TO SERVE AN UNPLATTED TRACT NORTH OF 21ST N, E OF 119TH WEST, North of 21st Street, East of 119th Street West, as authorized by Resolution R-94-155 adopted April 26, 1994, and published April 29, 1994. Petition for this improvement was signed by owners representing 100% of the property

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ownership. The Statement of Cost approved December 17, 2002, in the amount of \$21,824.00 is to be apportioned 70% payable by the improvement district and 30% payable by the Water Utility Fund. The cost has been assessed on a square foot basis.

d) (470-638/734968/448-88944) Construction of Water Distribution System No. 448-88944 TO SERVE ABERDEEN COMMERCIAL AND DULING ADDITIONS, North of 21st Street, along 119th Street West, as authorized by Resolution R-95-409 and rescinded by R-00-275 and rescinded by R-00-343 adopted August 29, 1995, July 11, 2000 and September 26, 2000, and published September 1, 1995, July 14, 2000 and September 30, 2000 respectively. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$18,115.00 is to be apportioned 71% payable by the improvement district and 29% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.

e) (470-719/735049/448-89099) Construction of Water Distribution System No. 448-89099 TO SERVE ROCKY CREEK ADDITION, North of 13th, East of 127th Street East, as authorized by Resolution R-96-435 adopted December 17, 1996, and published December 20, 1996. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$23,650.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

f) (470-727/735057/448-89206) Construction of Water Distribution System No. 448-89206 TO SERVE FOREST LAKES WEST ADDITION, North of 29th, East of Tyler, as authorized by Resolution R-97-341 adopted September 23, 1997, and published September 26, 1997. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$21,725.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

g) (470-711/735041/448-89239) Construction of Water Distribution System No. 448-89239 TO SERVE REECE FARMS ESTATES ADDITION, South of Maple, West of 151st Street West, as authorized by Resolution R-98-120 adopted April 14, 1998, and published April 17, 1998. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$52,309.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

h) (470-602/734932/448-89370) Construction of Water Distribution System No. 448-89370 TO SERVE CHAPEL HILL ADDITION, North of 13th, East of Greenwich Road, as authorized by Resolution R-99-102 adopted March 16, 1999, and published March 19, 1999. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$90,324.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

i) (470-615/734945/448-89425) Construction of Water Distribution System No. 448-89425 TO SERVE THE VALLEY ACRES ADDITION, South of 10th, West of Custer, as authorized by Resolution R-99-392 adopted October 12, 1999, and published October 15, 1999 corrected and republished on July 29, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$6,618.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a square foot basis.

j) (470-709/735039/448-89427) Construction of Water Distribution System No. 448-89427 TO SERVE HIGHLAND SPRINGS 2ND ADDITION, West of 135th Street West, South of Central, as authorized by Resolution R-01-053 adopted February 13, 2001, and published February 17, 2001, corrected and republished on December 10, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$76,535.00 is to be apportioned 95.42% payable by the improvement district and 4.58% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.



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- k) (470-633/734963/448-89470) Construction of Water Distribution System No. 448-89470 TO SERVE WEST RIDGE ESTATES ADDITION, South of 29th Street North, East of 119th Street West, as authorized by Resolution R-00-188 adopted May 2, 2000, and published May 5, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$55,205.00 is to be apportioned 81.86% payable by the improvement district and 18.14% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.
- l) (470-661/734991/448-89503) Construction of Water Distribution System No. 448-89503 TO SERVE RIDGE PORT NORTH 3RD AND 4TH ADDITIONS, East of Ridge Road, South of 37th Street North, as authorized by Resolution R-00-375 and rescinded by R-01-308 adopted October 24, 2000 and July 24, 2001, and published October 28, 2000, July 28, 2001 corrected and republished April 3, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$129,358.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.
- m) (470-732/735062/448-89505) Construction of Water Distribution System No. 448-89505 TO SERVE RIDGE PORT NORTH 3RD ADDITION, East of Ridge Road, North of 29th Street North, as authorized by Resolution R-00-377 adopted October 24, 2000, and published October 28, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$25,588.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.
- n) (470-663/734993/448-89513) Construction of Water Distribution System No. 448-89513 TO SERVE THE SMITHSON'S ADDITION, At Burton, Between St. Paul and Gordon, as authorized by Resolution R-00-374 adopted October 24, 2000, and published October 28, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$3,349.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a square foot basis.
- o) (470-710/735040/448-89516) Construction of Water Distribution System No. 448-89516 TO SERVE AUBURN HILLS 12TH ADDITION, West of 135th St. West, South of Maple, as authorized by Resolution R-00-412 adopted November 14, 2000, and published November 23, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$54,402.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- p) (470-705/735035/448-89527) Construction of Water Distribution System No. 448-89527 TO SERVE CEDAR VIEW ADDITION, North of Lincoln, East of Greenwich Road, as authorized by Resolution R-01-021 adopted January 23, 2001, and published January 27, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$52,251.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- q) (470-718/735048/448-89536) Construction of Water Distribution System No. 448-89536 TO SERVE THE CHURCH OF THE MAGDALEN ADDITION, North of 21st Street North, West of 127th Street East, as authorized by Resolution R-01-080 adopted February 27, 2001, and published March 3, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$33,278.00 is to be apportioned 62.37% payable by the improvement and 37.63% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.

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- r) (470-688/735018/448-89585) Construction of Water Distribution System No. 448-89585 TO SERVE SOUTHWEST INDUSTRIAL ADDITION, North of Pawnee, West of Meridian, as authorized by Resolution R-01-246 adopted June 12, 2001, and published June 16, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$34,680.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- s) (470-703/735033/448-89596) Construction of Water Distribution System No. 448-89596 TO SERVE UNPLATTED TRACTS SEC. 32, TWP 26S, RANGE 1W, South of 37th Street North, West of Tyler, as authorized by Resolution R-01-278 adopted July 10, 2001, and published July 13, 2001 corrected and republished June 10, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$124,706.00 is to be apportioned 56% payable by the improvement district and 44% payable by the Water Utility Fund. The cost has been assessed on a square foot basis.
- t) (470-722/735052/448-89603) Construction of Water Distribution System No. 448-89603 TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, South of 45th Street North and West of Oliver, as authorized by Resolution R-01-338 and rescinded by R-02-046 adopted August 14, 2001 and January 15, 2002, and published August 18, 2001 and January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$56,276.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.
- u) (470-694/735024/448-89610) Construction of Water Distribution System No. 448-89610 TO SERVE AUBURN HILLS 13TH ADDITION, West of 135th Street West, South of Maple, as authorized by Resolution R-01-333 adopted August 14, 2001, and published August 18, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$105,226.00 is to be apportioned 89.49% payable by the improvement district and 10.51% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.
- v) (470-702/735032/448-89613) Construction of Water Distribution System No. 448-89613 TO SERVE EQUESTRIAN ESTATES ADDITION, East of 127th Street and South of Harry, as authorized by Resolution R-01-370 adopted September 11, 2001, and published September 15, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$122,305.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- w) (470-730/735060/448-89620) Construction of Water Distribution System No. 448-89620 TO SERVE THE ROCKY CREEK AND ROCKY CREEK 2ND ADDITION, North of 13th Street, East of 127th Street East, as authorized by Resolution R-01-393 adopted September 18, 2001, and published September 22, 2001. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$50,723.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.
- x) (470-712/735042/448-89635) Construction of Water Distribution System No. 448-89635 TO SERVE BRENTWOOD VILLAGE, BRENTWOOD SOUTH AND MAPLE SHADE ADDITIONS, East of Webb Road, North of Pawnee, as authorized by Resolution R-02-032 adopted January 15, 2002, and published January 19, 2002 corrected and republished November 18, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$90,031.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- y) (470-713/735043/448-89638) Construction of Water Distribution System No. 448-89638 TO SERVE MAPLE SHADE ADDITION, North of Pawnee, East of Webb Road, as authorized by Resolution R-02-040 adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of

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Cost approved December 17, 2002, in the amount of \$23,620.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

z) (470-707/735037/448-89641) Construction of Water Distribution System No. 448-89641 TO SERVE PINE MEADOW 2ND ADDITION, East of Greenwich Road, South of 13th Street, as authorized by Resolution R-02-015 adopted January 8, 2002, and published January 12, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$33,358.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

aa) (470-708/735038/448-89642) Construction of Water Distribution System No. 448-89642 TO SERVE PINE MEADOW 2ND ADDITION, East of Greenwich Road, South of 13th Street, as authorized by Resolution R-02-016 adopted January 8, 2002, and published January 12, 2002 corrected and republished June 8, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$53,304.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

bb) (470-706/735036/448-89644) Construction of Water Distribution System No. 448-89644 TO SERVE MCEVOY AND EQUESTRIAN ESTATES ADDITIONS & UNPLATTED TRACTS, Along 127th Street East, South of Harry, as authorized by Resolution R-01-523 adopted December 18, 2001, and published December 22, 2001 corrected and republished June 8, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$149,239.00 is to be apportioned 60% payable by the improvement district and 40% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.

cc) (470-731/735061/448-89653) Construction of Water Distribution System No. 448-89653 TO SERVE THE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, UNPLATTED TRACT "A", Along 127th Street East, South of Harry, as authorized by Resolution R-02-052 amended by R-02-240 adopted January 15, 2002 and May 21, 2002, and published January 19, 2002 and May 25, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$76,384.00 is to be apportioned 71.56% payable by the improvement district and 28.44% of the total cost payable by Water Utility Fund. The cost has been assessed on a fractional basis.

dd) (470-717/735047/448-89654) Construction of Water Distribution System No. 448-89654 TO SERVE THE BALTHROP FOURTH ADDITION, North of Central, West of K-96, as authorized by Resolution R-02-025 adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$68,576.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

ee) (470-725/735055/448-89656) Construction of Water Distribution System No. 448-89656 TO SERVE THE DEER LAKE ESTATES SECOND ADDITION, South of 47th Street South, West of Oliver, as authorized by Resolution R-02-109 adopted February 12, 2002, and published February 16, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$19,491.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

ff) (470-714/735044/448-89657) Construction of Water Distribution System No. 448-89657 TO SERVE WILSON FARMS 3RD ADDITION, South of 21st, West of Webb, as authorized by Resolution R-02-104 adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$51,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- gg) (470-715/735045/448-89659) Construction of Water Distribution System No. 448-89659 TO SERVE THE FAIRMONT ADDITION, North of 21st, West of 127th Street East, as authorized by Resolution R-02-090 adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$86,403.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- hh) (470-716/735046/448-89662) Construction of Water Distribution System No. 448-89662 TO SERVE THE FAIRMONT ADDITION, North of 21st, West of 127th Street East, as authorized by Resolution R-02-093 adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$70,845.00 is to be apportioned 77.23% payable by the improvement district and 22.77% payable by the Water Utility Fund. The cost has been assessed on a fractional basis.
- ii) (470-723/735053/448-89663) Construction of Water Distribution System No. 448-89663 TO SERVE THE SHELLY'S ORCHARD ADDITION, East of Maize Road, North of Pawnee, as authorized by Resolution R-02-123 adopted March 5, 2002, and published March 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$51,956.00 is to be apportioned 100% payable to the improvement district.. The cost has been assessed on a fractional basis.
- jj) (470-720/735050/448-89666) Construction of Water Distribution System No. 448-89666 TO SERVE THE SMITHMOOR TENTH ADDITION, North of Pawnee, West of Greenwich Road, as authorized by Resolution R-02-126 adopted March 5, 2002, and published March 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$44,477.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.
- kk) (470-721/735051/448-89672) Construction of Water Distribution System No. 448-89672 TO SERVE THE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, South of 45th Street North, West of Oliver, as authorized by Resolution R-02-119 adopted March 5, 2002, and published March 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$320,194.00 is to be apportioned 17% payable by the improvement district and 83% of the total cost payable by the Water Utility Fund. The cost has been assessed on a fractional basis.
- ll) (470-735/735065/448-89689) Construction of Water Distribution System No. 448-89689 TO SERVE THE FRUITVALE PARK ADDITION, South of Central, East of Hoover Road, as authorized by Resolution R-02-242 adopted May 21, 2002, and published May 25, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$3,315.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a square foot basis.
- mm) (470-734/735064/448-89690) Construction of Water Distribution System No. 448-89690 TO SERVE THE AVERY ADDITION, North of Central, West of Hoover, as authorized by Resolution R-02-243 adopted May 21, 2002, and published May 25, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$1,958.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a square foot basis.
- nn) (470-736/735066/448-89692) Construction of Water Distribution System No. 448-89692 TO SERVE THE GREAT PLAINS BUSINESS PARK 3RD ADDITION, East of Oliver, North of K-96, as authorized by Resolution R-02-266 adopted June 4, 2002, and published June 8, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$59,219.00 is to be apportioned 100% payable to the improvement district. The cost has been assessed on a fractional basis.

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oo) (470-743/735073/448-89706) Construction of Water Distribution System No. 448-89706 TO SERVE HARRISON PARK 2ND ADDITION, East of Webb, North of Harry, as authorized by Resolution R-02-345 adopted July 16, 2002, and published July 20, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$20,570.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

## SEWER PROJECTS:

a) (480-606/743918/468-82304) Construction of LATERAL 6, MAIN 17, SOUTHWEST INTERCEPTOR SEWER, North of 29th Street, West of Ridge, as authorized by Resolution R-93-143 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$57,947.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

b) (480-622/743934/468-82309) Construction of LATERAL 11, MAIN 17, SOUTHWEST INTERCEPTOR SEWER, North of 29th, West of Ridge, as authorized by Resolution R-93-148 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$44,152.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

c) (480-607/743919/468-82769) Construction of LATERAL 384, SOUTHWEST INTERCEPTOR SEWER, North of 29th, East of Tyler, as authorized by Resolution R-97-346 adopted September 23, 1997, and published September 26, 1997. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$57,517.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

d) (480-608/743920/468-82770) Construction of LATERAL 385, SOUTHWEST INTERCEPTOR SEWER, North of 29th Street, East of Tyler, as authorized by Resolution R-97-347 adopted September 23, 1997, and published September 26, 1997. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$32,896.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

e) (480-596/743908/468-82831) Construction of LATERAL 18, COWSKIN INTERCEPTOR SEWER, South of Maple, West of 151st Street West, as authorized by Resolution R-98-123 adopted April 14, 1998, and published April 17, 1998. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$99,114.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

f) (480-590/743902/468-83028) Construction of LATERAL 23, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Central, as authorized by Resolution R-99-375 adopted September 28, 1999, and published October 1, 1999. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$112,403.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

g) (480-579/743891/468-83076) Construction of LATERAL 80, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb, as authorized by Resolution R-00-077 adopted February 15, 2000, and published February 18, 2000. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$56,669.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- h) (480-594/743906/468-83084) Construction of LATERAL 1, MAIN 10, FOUR MILE CREEK SEWER, North of 13th Street, East of Greenwich, as authorized by Resolution R-00-118 adopted March 28, 2000, and published March 31, 2000. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$112,696.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- i) (480-595/743907/468-83085) Construction of LATERAL 2, MAIN 10, FOUR MILE CREEK SEWER, North of 13th Street, East of Greenwich, as authorized by Resolution R-00-119 adopted March 28, 2000, and published March 31, 2000. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$87,747.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- j) (480-580/743892/468-83123) Construction of LATERAL 81, MAIN 22, WAR INDUSTRIES SEWER, South of 21st Street, West of Webb Road, as authorized by Resolution R-00-281 adopted July 18, 2000, and published July 24, 2000, corrected and republished December 17, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$37,794.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- k) (480-593/743905/468-83179) Construction of LATERAL 5, MAIN 2, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Maple, as authorized by Resolution R-00-397 adopted November 14, 2000, and published November 18, 2000 corrected and republished February 4, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$78,708.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- l) (480-589/743901/468-83222) Construction of LATERAL 300, FOUR MILE CREEK SEWER, North of Lincoln, East of Greenwich, as authorized by Resolution R-02-021 adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$68,005.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- m) (480-555/743867/468-83238) Construction of LATERAL 304, FOUR MILE CREEK SEWER, North of Central, West of 159th Street East, as authorized by Resolution R-01-144 adopted April 3, 2001, and published April 7, 2001. Petition for this improvement was ordered in by the council on April 3, 2001. The Statement of Cost approved December 17, 2002, in the amount of \$253,249.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- n) (480-609/743921/468-83239) Construction of LATERAL 23, MAIN 13, WAR INDUSTRIES SEWER, North of Kellogg, West of Greenwich Road, as authorized by Resolution R-01-350 adopted August 21, 2001, and published August 25, 2001 corrected and republished August 1, 2002, corrected and republished December 17, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$39,706.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- o) (480-603/743915/468-83282) Construction of LATERAL 310, FOUR MILE CREEK SEWER, South of Harry, West of Greenwich Road, as authorized by Resolution R-01-267 adopted June 19, 2001, and published June 23, 2001 corrected and republished June 7, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$139,533.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- p) (480-572/743884/468-83303) Construction of LATERAL 24, MAIN 13, WAR INDUSTRIES SEWER, South of Orme, East of Greenwich, as authorized by Resolution R-01-299 adopted July 24, 2001, and published July 28, 2001 corrected and republished August 26, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$10,565.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.
- q) (480-584/743896/468-83317) Construction of LATERAL 313, FOUR MILE CREEK SEWER, East of 127th Street East, South of Harry, as authorized by Resolution R-01-373 adopted September 11, 2001, and published September 15, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$291,250.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- r) (480-574/743886/468-83325) Construction of LATERAL 316, FOUR MILE CREEK SEWER, North of 13th, East of 127th Street East, as authorized by Resolution R-01-394 adopted September 18, 2001, and published September 22, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$99,724.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- s) (480-586/743989/468-83346) Construction of LATERAL 324, FOUR MILE CREEK SEWER, North of 13th Street, East of 127th Street East, as authorized by Resolution R-01-477 adopted November 20, 2001, and published November 24, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$32,916.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- t) (480-597/743909/468-83353) Construction of LATERAL 319, FOUR MILE CREEK SEWER, East of Webb, North of Pawnee, as authorized by Resolution R-02-035 adopted January 15, 2002, and published January 19, 2002, corrected and republished November 18, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$162,893.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- u) (480-598/743910/468-83356) Construction of LATERAL 321, FOUR MILE CREEK SEWER, North of Pawnee, East of Webb Road, as authorized by Resolution R-02-042 adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$71,802.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- v) (480-592/743904/468-83362) Construction of LATERAL 41, MAIN 21, SANITARY SEWER #22, West of Womer, South of I-235, as authorized by Resolution R-01-492 adopted December 11, 2001, and published December 15, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$87,789.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- w) (480-588/743900/468-83373) Construction of LATERAL 326, FOUR MILE CREEK SEWER, East of Greenwich, South of 13th, as authorized by Resolution R-02-018 adopted January 8, 2002, and published January 12, 2002, corrected and republished August 1, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$114,749.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- x) (480-602/743914/468-83390) Construction of LATERAL 327, FOUR MILE CREEK SEWER, North of Central, West of K-96, as authorized by Resolution R-02-027 adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$180,383.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- y) (480-600/743912/468-83400) Construction of LATERAL 1, MAIN 11, FOUR MILE CREEK SEWER, North of 21st Street, West of 127th Street East, as authorized by Resolution R-02-095 adopted February 5, 2002, and published February 9, 2002 corrected and republished March 18, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$242,902.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- z) (480-605/743917/468-83407) Construction of LATERAL 482, SOUTHWEST INTERCEPTOR SEWER, East of Maize Road, North of Pawnee, as authorized by Resolution R-02-124 adopted March 5, 2002, and published March 9, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$41,644.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- aa) (480-614/743926/468-83433) Construction of LATERAL 105, SANITARY SEWER NO. 23, East of Oliver, North of K-96, as authorized by Resolution R-02-268 adopted June 4, 2002, and published June 8, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$10,893.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- bb) (480-623/743935/468-83475) Construction of LATERAL 325, FOUR MILE CREEK SEWER, East of Webb, North of Harry, as authorized by Resolution R-02-346 adopted July 16, 2002, and published July 20, 2002, corrected and republished August 3, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 17, 2002, in the amount of \$22,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

## **STORM WATER PROJECTS:**

- a) (468-83124\751304\485-195) - Constructing SWS NO. 539 TO SERVE WILSON FARMS 2ND ADDITION as authorized by Resolution No. R-00-282, adopted July 18, 2000, and published July 22, 2000. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$40,869.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- b) (468-83181\751314\485-205) - Constructing SWS NO. 545 TO SERVE AUBURN HILLS TWELFTH ADDITION as authorized by Resolution No. R-00-399, adopted November 14, 2000, and published November 18, 2000. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$76,935.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- c) (468-83194\751307\485-198) - Constructing SWS NO. 547 TO SERVE CEDAR VIEW ADDITON as authorized by Resolution No. R-01-022, adopted January 23, 2001, and published January 27, 2001. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$123,016.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.



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- d) (468-83252\751302\485-193) - Constructing SWD NO. 165 TO SERVE REMINGTON PLACE ADDITION as authorized by Resolution No. R-01-159, adopted April 24, 2001, and published April 28, 2001 corrected and republished May 5, 2001. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$125,623.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- e) (468-83320\751305\485-196) - Constructing SWD NO. 178 TO SERVE EQUESTRIAN ESTATES as authorized by Resolution No. R-01-376, adopted September 11, 2001, and published September 15, 2001. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$149,871.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- f) (468-83355\751309\485-200) - Constructing SWD NO. 181 TO SERVE BRENTWOOD SOUTH ADDITION as authorized by Resolution No. R-02-037 amended by R-02-175, adopted January 15, 2002 and April 2, 2002 respectively, and published January 19, 2002 and April 6, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$384,509.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- g) (468-83358\751310\485-201) - Constructing SWS No. 560 TO SERVE MAPLE SHADE ADDITION as authorized by Resolution No. R-02-044, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$67,275.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- h) (468-83374\751308\485-199) - Constructing SWS NO. 564 TO SERVE THE GATEWAY CENTER ADDITION as authorized by Resolution No. R-02-063 amended by R-02-122, adopted January 15, 2002 and March 5, 2002 respectively, and published January 19, 2002 corrected and republished February 4, 2002 and March 9, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$205,211.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- i) (468-83392\751313\485-204) - Constructing SWS NO. 566 TO SERVE BALTHROP 4TH ADDITION as authorized by Resolution No. R-02-029, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$298,692.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- j) (468-83398\751311\485-202) - Constructing SWS NO. 567 TO SERVE WILSON FARMS 3RD ADDITION as authorized by Resolution No. R-02-105, adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$185,678.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- k) (468-83403\751312\485-203) - Constructing SWD NO. 185 TO SERVE THE FAIRMONT as authorized by Resolution No. R-02-098, adopted February 5, 2002, and published February 9, 2002. Petition for this improvement was signed by owners representing 100.00% percent of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$163,916.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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Mayor Knight

Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion --  
-- carried

Knight moved that the public hearing be closed and the Ordinances be placed on first reading. Motion carried 7 to 0.

a. (470-726/735056/448-88703)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition., introduced and under the rules laid over.

b) (470-639/734969/448-88825)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-88825 TO SERVE ABERDEEN FIRST ADDITION, North of 21st Street, East of 119th Street West, introduced and under the rules laid over.

c) (470-640/734970/448-88826)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-88826 TO SERVE AN UNPLATTED TRACT NORTH OF 21ST N, E OF 119TH WEST, North of 21st Street, East of 119th Street West, introduced and under the rules laid over.

d) (470-638/734968/448-88944)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-88944 TO SERVE ABERDEEN COMMERCIAL AND DULING ADDITIONS, North of 21st Street, along 119th Street West, introduced and under the rules laid over.

e) (470-719/735049/448-89099)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89099 TO SERVE ROCKY CREEK ADDITION, North of 13th, East of 127th Street East, introduced and under the rules laid over.

f) (470-727/735057/448-89206)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89206 TO SERVE FOREST LAKES WEST ADDITION, North of 29th, East of Tyler, introduced and under the rules laid over.

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g) (470-711/735041/448-89239)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89239 TO SERVE REECE FARMS ESTATES ADDITION, South of Maple, West of 151st Street West, introduced and under the rules laid over.

h) (470-602/734932/448-89370)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89370 TO SERVE CHAPEL HILL ADDITION, North of 13th, East of Greenwich Road, introduced and under the rules laid over.

i) (470-615/734945/448-89425)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89425 TO SERVE THE VALLEY ACRES ADDITION, South of 10th, West of Custer, introduced and under the rules laid over.

j) (470-709/735039/448-89427)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89427 TO SERVE HIGHLAND SPRINGS 2ND ADDITION, West of 135th Street West, South of Central, introduced and under the rules laid over.

k) (470-633/734963/448-89470)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89470 TO SERVE WEST RIDGE ESTATES ADDITION, South of 29th Street North, East of 119th Street West, introduced and under the rules laid over.

l) (470-661/734991/448-89503)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89503 TO SERVE RIDGE PORT NORTH 3RD AND 4TH ADDITIONS, East of Ridge Road, South of 37th Street North, introduced and under the rules laid over.

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m) (470-732/735062/448-89505)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89505 TO SERVE RIDGE PORT NORTH 3RD ADDITION, East of Ridge Road, North of 29th Street North), introduced and under the rules laid over.

n) (470-663/734993/448-89513)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89513 TO SERVE THE SMITHSON'S ADDITION, At Burton, Between St. Paul and Gordon, introduced and under the rules laid over.

o) (470-710/735040/448-89516)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89516 TO SERVE AUBURN HILLS 12TH ADDITION, West of 135th St. West, South of Maple, introduced and under the rules laid over.

p) (470-705/735035/448-89527)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89527 TO SERVE CEDAR VIEW ADDITION, North of Lincoln, East of Greenwich Road, introduced and under the rules laid over.

q) (470-718/735048/448-89536)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89536 TO SERVE THE CHURCH OF THE MAGDALEN ADDITION, North of 21st Street North, West of 127th Street East, introduced and under the rules laid over.

r) (470-688/735018/448-89585)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89585 TO SERVE SOUTHWEST INDUSTRIAL ADDITION, North of Pawnee, West of Meridian, introduced and under the rules laid over.

s) (470-703/735033/448-89596)

## ORDINANCE

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An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89596 TO SERVE UNPLATTED TRACTS SEC. 32, TWP 26S, RANGE 1W, South of 37th Street North, West of Tyler, introduced and under the rules laid over.

t) (470-722/735052/448-89603)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89603 TO SERVE EAGLES LANDING AT NORTH OLIVER SECOND ADDITION, South of 45th Street North and West of Oliver, introduced and under the rules laid over.

u) (470-694/735024/448-89610)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89610 TO SERVE AUBURN HILLS 13TH ADDITION, West of 135th Street West, South of Maple, introduced and under the rules laid over.

v) (470-702/735032/448-89613)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89613 TO SERVE EQUESTRIAN ESTATES ADDITION, East of 127th Street and South of Harry, introduced and under the rules laid over.

w) (470-730/735060/448-89620)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89620 TO SERVE THE ROCKY CREEK AND ROCKY CREEK 2ND ADDITION, North of 13th Street, East of 127th Street East, introduced and under the rules laid over.

x) (470-712/735042/448-89635)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89635 TO SERVE BRENTWOOD VILLAGE, BRENTWOOD SOUTH AND MAPLE SHADE ADDITIONS, East of Webb Road, North of Pawnee, introduced and under the rules laid over.

y) (470-713/735043/448-89638)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89638 TO SERVE MAPLE SHADE ADDITION, North of Pawnee, East of Webb Road, introduced and under the rules laid over.

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z) (470-707/735037/448-89641)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89641 TO SERVE PINE MEADOW 2ND ADDITION, East of Greenwich Road, South of 13th Street.

aa) (470-708/735038/448-89642)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89642 TO SERVE PINE MEADOW 2ND ADDITION, East of Greenwich Road, South of 13th Street, introduced and under the rules laid over.

bb) (470-706/735036/448-89644)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89644 TO SERVE MCEVOY AND EQUESTRIAN ESTATES ADDITIONS & UNPLATTED TRACTS, Along 127th Street East, South of Harry, introduced and under the rules laid over.

cc) (470-731/735061/448-89653)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89653 TO SERVE THE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, UNPLATTED TRACT "A", Along 127th Street East, South of Harry, introduced and under the rules laid over.

dd) (470-717/735047/448-89654)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89654 TO SERVE THE BALTHROP FOURTH ADDITION, North of Central, West of K-96, introduced and under the rules laid over.

ee) (470-725/735055/448-89656)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89656 TO SERVE THE DEER LAKE ESTATES SECOND ADDITION, South of 47th Street South, West of Oliver, introduced and under the rules laid over.

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ff) (470-714/735044/448-89657)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89657 TO SERVE WILSON FARMS 3RD ADDITION, South of 21st, West of Webb, introduced and under the rules laid over.

gg) (470-715/735045/448-89659)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89659 TO SERVE THE FAIRMONT ADDITION, North of 21st, West of 127th Street East, introduced and under the rules laid over.

hh) (470-716/735046/448-89662)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89662 TO SERVE THE FAIRMONT ADDITION, North of 21st, West of 127th Street East, introduced and under the rules laid over.

ii) (470-723/735053/448-89663)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89663 TO SERVE THE SHELLY'S ORCHARD ADDITION, East of Maize Road, North of Pawnee, introduced and under the rules laid over.

jj) (470-720/735050/448-89666)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89666 TO SERVE THE SMITHMOOR TENTH ADDITION, North of Pawnee, West of Greenwich Road, introduced and under the rules laid over.

## ORDINANCE+

kk) (470-721/735051/448-89672) Construction of Water Distribution System No. 448-89672 TO SERVE THE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, South of 45th Street North, West of Oliver, introduced and under the rules laid over.

ll) (470-735/735065/448-89689)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89689 TO SERVE THE FRUITVALE PARK ADDITION, South of Central, East of Hoover Road.

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mm) (470-734/735064/448-89690)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89690 TO SERVE THE AVERY ADDITION, North of Central, West of Hoover, introduced and under the rules laid over.

nn) (470-736/735066/448-89692)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89692 TO SERVE THE GREAT PLAINS BUSINESS PARK 3RD ADDITION, East of Oliver, North of K-96, introduced and under the rules laid over.

oo) (470-743/735073/448-89706)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89706 TO SERVE HARRISON PARK 2ND ADDITION, East of Webb, North of Harry, introduced and under the rules laid over.

## SEWER PROJECTS:

a) (480-606/743918/468-82304)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 6, MAIN 17, SOUTHWEST INTERCEPTOR SEWER, North of 29th Street, West of Ridge, introduced and under the rules laid over.

b) (480-622/743934/468-82309)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 11, MAIN 17, SOUTHWEST INTERCEPTOR SEWER, North of 29th, West of Ridge, introduced and under the rules laid over.

c) (480-607/743919/468-82769)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 384, SOUTHWEST INTERCEPTOR SEWER, North of 29th, East of Tyler, introduced and under the rules laid over.



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d) (480-608/743920/468-82770)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 385, SOUTHWEST INTERCEPTOR SEWER, North of 29th Street, East of Tyler, introduced and under the rules laid over.

e) (480-596/743908/468-82831)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 18, COWSKIN INTERCEPTOR SEWER, South of Maple, West of 151st Street West, introduced and under the rules laid over.

f) (480-590/743902/468-83028)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 23, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Central.

g) (480-579/743891/468-83076)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 80, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb.

h) (480-594/743906/468-83084)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 1, MAIN 10, FOUR MILE CREEK SEWER, North of 13th Street, East of Greenwich.

i) (480-595/743907/468-83085)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 2, MAIN 10, FOUR MILE CREEK SEWER, North of 13th Street, East of Greenwich, introduced and under the rules laid over.

j) (480-580/743892/468-83123)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 81, MAIN 22, WAR INDUSTRIES SEWER, South of 21st Street, West of Webb Road, introduced and under the rules laid over.

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k) (480-593/743905/468-83179)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 5, MAIN 2, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Maple, introduced and under the rules laid over.

l) (480-589/743901/468-83222)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 300, FOUR MILE CREEK SEWER, North of Lincoln, East of Greenwich, introduced and under the rules laid over.

m) (480-555/743867/468-83238)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 304, FOUR MILE CREEK SEWER, North of Central, West of 159th Street East, introduced and under the rules laid over.

n) (480-609/743921/468-83239)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 23, MAIN 13, WAR INDUSTRIES SEWER, North of Kellogg, West of Greenwich Road, introduced and under the rules laid over.

o) (480-603/743915/468-83282)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 310, FOUR MILE CREEK SEWER, South of Harry, West of Greenwich Road, introduced and under the rules laid over.

p) (480-572/743884/468-83303)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 24, MAIN 13, WAR INDUSTRIES SEWER, South of Orme, East of Greenwich, introduced and under the rules laid over.

q) (480-584/743896/468-83317)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 313, FOUR MILE CREEK SEWER, East of 127th Street East, South of Harry, introduced and under the rules laid over.

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r) (480-574/743886/468-83325)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 316, FOUR MILE CREEK SEWER, North of 13th, East of 127th Street East, introduced and under the rules laid over.

s) (480-586/743989/468-83346)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 324, FOUR MILE CREEK SEWER, North of 13th Street, East of 127th Street East, introduced and under the rules laid over.

t) (480-597/743909/468-83353)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 319, FOUR MILE CREEK SEWER, East of Webb, North of Pawnee, introduced and under the rules laid over.

u) (480-598/743910/468-83356)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 321, FOUR MILE CREEK SEWER, North of Pawnee, East of Webb Road, introduced and under the rules laid over.

v) (480-592/743904/468-83362)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 41, MAIN 21, SANITARY SEWER #22, West of Womer, South of I-235, introduced and under the rules laid over.

w) (480-588/743900/468-83373)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 326, FOUR MILE CREEK SEWER, East of Greenwich, South of 13<sup>th</sup>, introduced and under the rules laid over.

x) (480-602/743914/468-83390)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 327, FOUR MILE CREEK SEWER, North of Central, West of K-96, introduced and under the rules laid over.

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y) (480-600/743912/468-83400)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 1, MAIN 11, FOUR MILE CREEK SEWER, North of 21st Street, West of 127th Street East, introduced and under the rules laid over.

z) (480-605/743917/468-83407)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 482, SOUTHWEST INTERCEPTOR SEWER, East of Maize Road, North of Pawnee, introduced and under the rules laid over.

aa) (480-614/743926/468-83433)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 105, SANITARY SEWER NO. 23, East of Oliver, North or K-96, introduced and under the rules laid over.

bb) (480-623/743935/468-83475)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 325, FOUR MILE CREEK SEWER, East of Webb, North of Harry, introduced and under the rules laid over.

## STORM WATER PROJECTS:

a) (468-83124\751304\485-195)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 539 TO SERVE WILSON FARMS 2ND ADDITION, introduced and under the rules laid over.

b) (468-83181\751314\485-205)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 545 TO SERVE AUBURN HILLS TWELFTH ADDITION, introduced and under the rules laid over.

c) (468-83194\751307\485-198)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 547 TO SERVE CEDAR VIEW ADDITON, introduced and under the rules laid over.

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d) (468-83252\751302\485-193)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 165 TO SERVE REMINGTON PLACE ADDITION, introduced and under the rules laid over.

e) (468-83320\751305\485-196)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 178 TO SERVE EQUESTRIAN ESTATES, introduced and under the rules laid over.

f) (468-83355\751309\485-200)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 181 TO SERVE BRENTWOOD SOUTH ADDITION, introduced and under the rules laid over.

g) (468-83358\751310\485-201)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS No. 560 TO SERVE MAPLE SHADE ADDITION, introduced and under the rules laid over.

h) (468-83374\751308\485-199)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 564 TO SERVE THE GATEWAY CENTER ADDITION, introduced and under the rules laid over.

i) (468-83392\751313\485-204)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 566 TO SERVE BALTHROP 4TH ADDITION, introduced and under the rules laid over.

j) (468-83398\751311\485-202)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 567 TO SERVE WILSON FARMS 3RD ADDITION, introduced and under the rules laid over.

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k) (468-83403\751312\485-203)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 185 TO SERVE THE FAIRMONT, introduced and under the rules laid over.

### **CENTRAL IMPR. CENTRAL AVENUE IMPROVEMENT – WOODLAWN TO ROCK ROAD. (District II)**

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0355.

The 2002-2011 Capital Improvement Program includes a project to improve Central, between Woodlawn and Rock. On March 17, 2003, District II Advisory Board sponsored a neighborhood hearing on the project. The Board voted 5-1 to recommend approval of a five-lane design concept, without medians.

The options under consideration are: (1) a five lane roadway with a continuous center two-way left turn lane and right turn lanes on the northeast and southeast corners of Central and Woodlawn and, (2) landscaped medians rather than striped turn lanes.

The estimated project cost is \$3,365,000 with \$1,165,000 paid by the City and \$2,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion --  
-- carried

Pisciotte moved that the continuous five-lane without the median design concept be selected. Motion carried 7 to 0.

### **COMP. COMPLIANCE COMPREHENSIVE COMPLIANCE REPORT.**

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0356.

The City of Wichita provides various financial incentives to attract and encourage business expansions. These include Industrial Revenue Bond (IRB) financing, Economic Development Tax Exemptions (EDX), CDBG loans and grants, and HOME funding. Monitoring is performed to ensure compliance with conditions associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding. The Comprehensive Compliance Report provides an analysis of the current status of compliance relative to participating businesses and agencies for the years 1994 through 2002.

The Comprehensive Compliance Report reflects specific compliance conditions and current status of projects receiving City assistance through IRB, EDX, CDBG and HOME programs. During 2002, nine IRBs were issued, five EDX approvals, and 176 CDBG contracts were awarded. There were no HOME-funded multi-family projects completed during 2002.

As a requirement of the City's IRB Policy and Business Incentive Policy, there are a number of conditions that must be met before City Council approval. Compliance criteria for IRB and EDX include advertising for minority contractors, submittal of water conservation measures and an environmental assessment, and having site plans reviewed by a design council if building construction is involved. There are also a number of compliance conditions that are required on an ongoing basis such as submittal of an Equal Employment Opportunity/Affirmation Action Plan, paying an annual

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administrative service fee, job creation, and capital investment. For example, in 2002, all IRB and EDX companies are in compliance with the requirement to have an EEO/AA plan on file. Ninety-nine percent of all companies are in compliance with the IRB administrative fee requirement. Staff is working with the one company that is not in compliance. As a result of the IRB and EDX projects that were approved in 2002, 289 new jobs will be created and Wichita businesses report a capital investment of over \$238.3 million. This compares to 1023 jobs created and \$333.4 capital investment in 2001.

In order for projects to be approved for CDBG funding, the project must benefit low or moderate-income persons, or eliminate slum or blighting condition. The 2002 Comprehensive Compliance Report reflects 176 CDBG contracts were awarded with a total value of \$2.4 million. The percentage of minority contractor participation is 53%. The City exceeded the local requirement (10%) for minority participation by a factor of seven.

Developer/Project owners requesting HOME funding for residential apartment projects must contractually agree to maintain a certain number of affordable apartment units for income-qualified individuals/families. These units must be offered at rents that comply with HOME program regulations for a predetermined period of time (affordability period), which is based on the amount of HOME funds invested and project type. In addition, apartment units must be maintained in compliance with local housing standards during the affordability period. The Comprehensive Compliance Report reflects seven HOME funded projects valued at \$2.9 million, since 1994. There were no HOME-funded multi-family projects completed during 2002.

Conditions of compliance are monitored regularly by City staff through annual on-site monitoring visits, contractor and subcontractor interviews, required annual monitoring surveys, annual recertifications, review of certain contractor and subcontractor payrolls, and review of required submittals. Businesses and agencies not in compliance are notified and required to work with City staff for the purpose of full compliance with all conditions.

Mayor Knight Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

## **SPECIAL EVENTS** **SPECIAL EVENTS POLICY.**

Agenda Report No. 03-0357.

Each year, there are more than 500 special event requests and inquiries received by the City. Some of these involve use of City-owned properties, while others wish to close streets, etc. Approval for such events generally requires compliance with existing policies which emphasize public safety and health/sanitation. Depending upon the nature and location of the event, Staff follows general guidelines which require filing an application with sufficient information for affected departmental reviews. Appropriate departments coordinate the approval process through bi-weekly meetings from April – October, as needed, to communicate concerns, identify and resolve issues, and work with the event coordinator for the success of the event.

Currently, requests for event approvals are routed to one or more departments depending upon the requested site for the event:

- Use of Park property is approved by the Park & Recreation Department.
- Use of the Farm & Art Market Plaza (and future use the Old Town Theater Plaza) is coordinated through the Park Department/City Arts.
- Use of all other public property is coordinated through the City Manager's Office. Street closures are directed to the City Council Agenda for formal approvals.

Specific aspects of the current approval process that requires special attention include street closures, application submission and deadlines, fees associated with use of certain properties, and adherence to the noise ordinance.

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- Street closures associated with any event are coordinated by the City Manager's Office for the City Council Agenda. Minimization of major street closure and the time for closure is emphasized.
- All applications are required to be submitted at least 30 days prior to the event to allow adequate review time. On occasions, applications do not meet this requirement necessitating special handling. Information stated in guideline information notes, however, that the City may deny a request submitted with less than 30 days for approval if it requires special locations and creates public safety concerns.
- Fees are charged for use of public parks and for the Farm & Art Market properties. Use of general public property does not currently require a fee.

Noise has become a frequent complaint generator in the recent past due to several factors, including: proximity of special event site to residential areas; and lack of acceptable metering devices for Police to determine if the sound level exceeds the City code.

Coordination of interdepartmental approval for Special Events has been streamlined and made more effective with the interdepartmental approach and the increasing awareness of issues and communication. However, adherence to Chapter 7.41 of the City Code regarding noise is a increasing concern that needs further attention. Events held in sites adjacent to residential areas have often created numerous complaints to the Police due to noise volume that disturbs residential neighborhoods. Police response to these complaints regarding are increasing, especially in the evening when they are most common. Police have the authority to request that the noise volumes to be lowered. When no devices are available, police are unable to measure a particular sound level and, therefore, unable to issue a violation of City Code. When called, the Environmental Health staff is able to respond. During the late evening, there are delays with such response because of having to callback an employee to take the noise readings.

To be responsive to the concerns of neighborhood groups, two options are presented for consideration: (1) Allowing community(evening) events to be held only at a designated or approved sites that are either separate from residential areas, or has an environment in which noise can be controlled/diverted from residential areas; and (2) equipping each of the Police areas and the Environmental Health Department with the same type of Sound Level Meter for measuring noise levels and issuing a citation if a request to lower the volume does not bring compliance.

A staff task force has identified outside sites where evening events might be more appropriate. These include:

|             |                                                                                    |                                       |
|-------------|------------------------------------------------------------------------------------|---------------------------------------|
| Downtown:   | Parking lot between Lewis & Waterman (east of WIBA)                                |                                       |
|             | Lot south of the Boathouse                                                         |                                       |
| Park areas: | Parking lot southeast of the Hyatt bordered by Water & Wichita, Waterman & English |                                       |
|             | Century II /Douglas Ave. area                                                      |                                       |
|             | South Lakes                                                                        | Planeview Park                        |
|             | Chapin Park                                                                        | Linwood South Park                    |
|             | Grove/K-96 Park                                                                    | Stryker Complex<br>(29th & Greenwich) |
|             | Emory Park                                                                         | Pawnee Prairie/Tex Consolver          |
|             |                                                                                    | Golf Course Parking Lot               |
|             | Buffalo Park (limited parking)                                                     | McAdams Park                          |

Some of the more popular sites, such as Riverside, have generated complaints in the past, as have several private locations. If sites, other than those listed (above) are requested for special events, the Council may wish to establish standards that must be met by the applicant.

A Sound Meters with the necessary components for accurately measuring the source of the noise according to the City Code and for generating a printed report for use in court, if necessary, will cost approximately \$1,200 each. Funding for these meters will be made available from the Law Enforcement Block Grant. No cost is anticipated in the use of the designated sites as each event coordinator agrees to clean up the area upon completion of the event.



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The City's Law Department advises that Sound Level Meters must include a feature to download and print a report of the decibel reading in accordance with Chapter 7.41. The printed report is necessary for evidence should a notice of violation be issued.

Motion --

-- carried

Fearey moved that the Policy be deferred and referred to DAB's for input and recommendation, with DAB's looking at inclusion of entire Central Business District; and making sure all locations such as Farm and Art, Cinema etc. are included with item. Motion carried 7 to 0.

## PLANNING ORG.

### METROPOLITAN PLANNING ORGANIZATION DESIGNATION (MPO).

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0358.

In 1965, the governing bodies of Wichita and Sedgwick County formally authorized the Planning Commission (MAPC) to represent and act on behalf of the Wichita-Sedgwick County Area and to carry-on a continuing comprehensive transportation planning process in cooperation with the State Highway Commission (KDOT). In 1974, the Planning Commission was officially designated as the Metropolitan Planning Organization (MPO.) The MPO is responsible for transportation planning in the metropolitan planning area that covers all of Sedgwick County and the Wichita Urbanized Area.

In 2002, the Census Bureau expanded the Wichita Urbanized Area to include Andover in Butler County and Mulvane in Sumner County, and federal regulations require that the MPO's planning boundary must include the Census Bureau's newly urbanized area and additional land projected to urbanize in 20-years.

The ISTEA (1991) and TEA-21 (1998) programs require that where the metropolitan planning boundary for a previously designated MPO is expanded, the membership on the MPO policy body, i.e. the MAPC, should be reviewed to ensure that the added area has appropriate representation.

To evaluate the best approach to this issue, the MAPC/MPO established a series of meetings with officials from KDOT, US DOT, MPO representatives, along with City and County staffs.

The conclusion of these (above) meetings presented two possible approaches. KDOT representatives proposed recommending the existing MPO structure be changed to include more elected officials, and to include state and other transportation officials on the MPO policy body. Changing the composition of the MPO, as recommended by KDOT, is called "redesignation."

Local City and County staff representatives prefer to have the MPO structure remain as is, with the exception of adding representation for Andover/Butler County and Mulvane/Sumner County (to the MPO). Additionally, the Coordinating Committee for Transportation (CCT) and the Technical Advisory Committee (TAC) already exist under the current MPO structure where local elected officials and technical staff from jurisdictions within the planning area are represented. These committees can also be expanded to include officials from the newly urbanized areas.

New Representation: The new urbanized areas (Andover and Mulavne) will require representation on the MAPC when it acts as the MPO policy body. There are two ways to add representation: (1) The first approach (Option 1) is redesignation of the MPO where the make up of the policy body is changed to include local elected officials, and state and other transportation representatives. ( Federal regulations suggest that existing MPOs increase the representation of local elected officials on the policy board and other committees as a means for encouraging greater involvement in MPO processes). This approach would duplicate the current process of transportation planning, and likely result in scheduling problems, delays and additional costs.

The second approach (Option 2) is to add representation from the expanded metropolitan planning area to the MAPC/MPO. Adding membership to the MPO Policy body, or expansion of the metropolitan planning area, does not automatically require redesignation. By this approach, and based on population ratios for all jurisdictions, there would be only one or two additional representatives from the expanded

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area added to the MPO. The benefits associated with this approach include the convenience of year-round meetings in conjunction with up to 22 -scheduled annual meetings of the MAPC. The membership of the existing Technical Advisory Committee already covers all the major transportation modes, and the Coordinating Committee for Transportation can be expanded to cover additional elected officials.

The Governor and the MPO are required to review the previous MPO designation, state and local law, and MPO bylaws to determine if adding membership can be achieved without a formal redesignation. Staff believes that the joint Ordinance-Resolution - between Wichita and Sedgwick County (1967) creating the MAPC and its planning jurisdiction - has authority to add membership from surrounding communities. The MAPC can be joined by officials from the newly urbanized areas when MPO matters are placed on the agenda. This is the option preferred by both the City and County involved with capital public works projects. Staff believes that the procedure has worked well for many years and should continue.

If the MPO were to explore the option of "redesignation" then by federal statute, the State, Sedgwick County (for representing 75 percent of the population in the metropolitan area), and the City of Wichita (as central City in the region) would have to agree upon the composition of any new MPO. There is no statutory requirement to redesignate the MPO.

The City Council is asked to designate its preference to the need for expanded representation on the MPO.

The MPO policy body prepares the long-range Transportation Plan and the Transportation Improvement Program (TIP). The MPO annually prioritizes and allocates \$11 million to streets, bridges, and pathway projects within the planning area, and approves the inclusion of other federally-funded projects into the TIP - worth approximately \$45-\$50 million (federal) annually. The present TIP (2002-2007) reflects \$388 million over 130 projects that are either fully or partially funded by the US DOT.

The MPO's planning and construction funds from the US DOT are tied to the population within the original Census' year 2000 Urbanized Area. Therefore, an expanded metropolitan planning boundary does not provide additional funds to the MPO.

Redesignation to replace an existing MPO policy body occurs by agreement of the Governor and the affected local units of government representing 75 percent of the population in the entire metropolitan planning area. Wichita, as the central City of the metropolitan area, must be among the units of local government agreeing to the redesignation. Depending upon the option selected, the joint Ordinance/Resolution that establishes the MAPC may have to be amended to include officials from areas that are not already represented.

Mayor Knight Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion -- Knight moved that Option 2, adding members to represent other areas using current configuration, be  
-- carried approved. Motion carried 7 to 0.

## **KTTI SCHOLARSHIPS STUDENT SCHOLARSHIPS – KANSAS TECHNICAL TRAINING INSTITUTE.**

Chris Cherches City Manager reviewed the Item.

Agenda Report No 03-0359.

The Kansas Technical Training Institute ( KTTI) was established as a non-profit public-private partnership between the private sector (the four aviation manufacturers) and the public sector (City, County, State, Wichita State University, and School District) to train skilled workers. The primary focus is on the aviation industry, but once the KTTI structure is developed, other workers can be trained for skilled positions. After months of planning and staffing, KTTI is moving forward with training for its Airframe and Power plant program. The plan is to begin training 50 – 100 students (employees in

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the aviation industry that have been laid-off or unemployed), or candidates for new skill development. Although there has been a downturn in the aviation industry, the manufacturers feel it critical to prepare for their current and future workforce needs. Temporary training facilities will be located on the Boeing Company campus, Southside Learning Center.

To initiate the program, an approved FAA curriculum will be utilized. Students will be selected from (approximately) 10,000 workers currently laid-off from the aviation industry. The process will involve an assessment - coordinated with the Workforce Alliance program - and students will be selected to participate. The KTTI program has been developed in a quick fashion to respond to the aggressive timeframe established by its Board. In December 2002, the staff of KTTI was instructed by its Board to initiate an Airframe and Power plant training program in March or early April, 2003. The goal of KTTI is to initiate re-training for up to 100 students from dislocated aviation industry workers to become certified Airframe and Power plant technicians. (The average salary of an airframe and power plant technician is approximately \$40,000/year, amounting to a direct payroll impact of \$4 million per year. The residual impact on the area economy would be in excess of \$20 million.

KTTI is requesting the City of Wichita and Sedgwick County form a scholarship fund for students entering the program. The costs for tuition and retraining will cost about \$8,000 per student (includes all tuition, materials, books, tool kit, etc.). Because many (or most) of these individuals will not have sufficient funding to participate, various funding sources to support the retraining have been identified, as follows:

|                              |         |
|------------------------------|---------|
| Workforce Alliance (State)   | \$3,000 |
| City of Wichita              | 2,000   |
| Sedgwick County              | 2,000   |
| Student Tuition Contribution | 1,000   |
| Total                        | \$8,000 |

The City Council has the authority to allocate funding support for the program.

Both the City and County have been requested to provide funding assistance not to exceed \$200,000 for the scholarship fund for the training of dislocated workers. The private sector (aviation companies) will provide the facilities, logistics and personnel support services for the program. Funding support for this start-up program for special re-training scholarships for dislocated workers can be allocated from the City's Economic Development Fund.

Mayor Knight

Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion --  
-- carried

Knight moved that a training scholarship allowance be allocated in an amount not to exceed \$200,000.  
Motion carried 7 to 0.

## **PARKING REQUEST    CENTURY PLAZA PARKING REQUEST.**

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0360.

A request has been made by the owner of the Century Plaza building (Douglas and Main Street) to lease and/or vacate public parking spaces in the existing City-owned parking lot – adjacent to/rear of the building. A number of options have been explored, including the construction of a decked-parking lot, reservation of designated public parking space, or reconstruction (elimination of landscaping and resurfacing) to allow for additional spaces. Because of the cost of the parking deck and questionable ability to recover such costs, and the need to retain public parking in this area because of the heavily used parking, these options were not felt justified at this time. However, it is possible to reconstruct the parking lot to allow for 13 – 14 additional spaces to serve the tenants of the office building.

To accommodate the proposal for constructing additional parking spaces, it is possible to remove the landscaping and modify the parking lot to add a row of parking adjacent to the south side of the Century

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Plaza building. These spaces would be leased at a negotiated rate to the owner of the Plaza building sufficient to recover the costs of construction. With the proposed parking plan, most of the landscaping features within this parking lot would be removed. Also, the parking lot drive/access on Century II drive would be closed leaving only the Main Street access for the lot. There are existing four spaces next to the building that may have to be removed because of concerns of motorists regressing this lot and "backing over" the sidewalk into the street. Instead, landscaping is proposed for the existing space to be removed with the construction of the new spaces.

The closure of the drive/access onto Century II drive would allow for the placement of four new parking spaces within the lot, and three new metered spaces (off-street) on Century II Drive. The recommended plan would include widening the remaining existing drive/access (on Main Street) from 20 to 25 feet to provide easier and safer access. With the proposal, the number of parking spaces within the lot would be increased from 65 to 84 parking spaces (net gain of 19 spaces), not including the off-street parking.

The City Council has the authority to modify the City-owned parking lot and to reconstruct the improvements for leasing.

The additional fees generated for the new leased parking will cover the estimated cost of \$30,000 for modifying the parking lot. These fees will generate an additional \$8,400 per year, for the new leased spaces. Due to the small size of the project, the cost would be cash funded from savings in Core Area project accounts with the annual revenues then used to reimburse the cost.

Mayor Knight

Mayor Knight inquired whether anyone wished to speak and no one appeared.

Motion --  
-- carried

Brewer moved that the parking lot reconstruction be approved, subject to negotiation of the lease agreement. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

### **BOARD APPOINTMENTS.**

There were no appointments made.

### **EAST BANK AGMT.**

### **PROPOSED REVISIONS TO THE EAST BANK DEVELOPMENT AGREEMENT.** **(Requested by Council Member Carl Brewer)**

This Item was withdrawn from the Agenda.

### **OFF AGENDA ITEM**

### **USER FEES AND CHARGES**

Motion --  
-- carried

Knight moved that the Rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.

Council Member Fearey

Council Member Fearey explained that "the importance of user-fees/charges for optional and select municipal services and their importance to providing quality services to individuals desiring and using such services cannot be overstated. With the decline in revenues and state shared taxes needed to maintain quality essential services; and since there are many fees/services charges that have not been reviewed and/or adjusted to maintain minimum cost-recovery – including certain park and recreation fees, I would like for council to consider a recommendation.

"I feel it is important that a comprehensive evaluation of such user fees/services (rather than by reviewing these program-by-program) be undertaken that will seek a community consensus; and that such a review could best be accomplished by the a Special Task Force selected by Staff but with the City Council being able to provide names of individuals with the expertise and willingness to serve. I

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feel this needs to be implemented now due to state budget cuts and that by taking action today, it affords the opportunity for both the current and the new council members to submit names.

Motion --

Fearey moved that a Special Task Force be selected by Staff but with the City Council being able to provide names of individuals with the expertise and willingness to serve and that the City Manager assign staff to work with the Task Force to bring recommendations to the District Advisory Boards and then to City Council as soon as practical, but not less than 90-days. Motion carried 7 to 0.

-- carried

## CONSENT AGENDA

Knight moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 31, 2003.

Bids were opened March 28, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2003 KLINK (FY2003) Concrete Repairs, Asphalt Shoulder Repairs & Diamond Grinding of 47th Street South (US 81) from Broadway to I-135/235 Interchange and Approaches to I-135/235 Interchange - 47th Street South from Broadway to I-135/235. (472-83631/132714/) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Inc. - \$250,000.00 (Negotiated at Engineer's estimate)

Water distribution system to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (448-89767/735114/470784) Does not affect existing traffic. (District I)

Mies Construction - \$73,499.00

Water distribution system to serve Forest Lake West Addition - north of 29th Street North, east of Tyler. (448-89205/735119/470789) Does not affect existing traffic. (District V)

Mies Construction - \$24,677.00

Lake Ridge from the north line of Lot 8, Block 4, to the south line of Lot 25, Block 4; Lake Ridge Courts serving Lots 8 through 17, Block 4, and serving Lots 18 through 25, Block 4, and Sidewalk on the west side of Lake Ridge from the north line of Lot 8, Block 4, to the south line of Lot 25, Block 4 to serve Forest Lake West Addition - north of 29th Street North, east of Tyler. (472-82873/765787/490898) Does not affect existing traffic. (District V)

Kansas Paving Company - \$79,832.40

Storm Water Drain #195 to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83550/751324/485215) Does not affect existing traffic. (District V)

Bob Bergkamp - \$331,442.00

Water distribution system to serve Liberty Park, Copper Gate Addition, and Heritage Baptist Church (north and south of 13th Street North, east and west of 135th Street West. (448-89745/735106/470776) Does not affect existing traffic. (District V)

Mies Construction - \$167,814.00

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Linberg from the south line of Lot 2, Block 1, to the north line of Lot 16, Block 1; and Bronco Street from a point 28.63 feet east of the west line of Lot 4 to 48.65 feet west of the east line of Lot 11 to serve Remington Place Second Addition - south of 21st Street North, east of Webb. (472-83678/765785/490896) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$88,208.50

Lateral 34 Cowskin Interceptor Sewer to serve Shadow Woods Addition - west of 135th Street West, north of Maple. (468-83595/743982/480670) Does not affect existing traffic. (District V) - \$271,000.00

Mies Construction - \$186,240.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Lobby Doors and Hardware. (792310)

Wickham Industries Inc. - \$40,290.00 (Total net bid)  
<\$ 2,913.00> (Deduct)

FIRE & POLICE DEPARTMENTS: Self-Contained Breathing Apparatus. (602140)

Roberson Fire & Safety Inc. - \$62,433.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Roach, Pest and Termite Control. (097207)

Midwest Pest Control LLC - \$2,614.50 (Total net bid/group 1)  
1st Choice Pest Services - \$4,499.50 (Total net bid/group 2)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Loop Detector Sealant. (130849)

Delta Technologies Inc. - \$11,946.24 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Subsoil Fill, Grading, Drainage System. (785039)

Lange Bros Inc. - \$110,000.00\* (Total net bid) \*Negotiated to Engineer's estimate

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSE APPS.

### APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### New Owner Escort Service:

Vicki Maness

Babes

304 South Laura

Motion --  
-- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

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## LICENSE APPS.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2003</u> | <u>(Consumption off Premises)</u> |
|----------------|-------------|-----------------------------------|
|----------------|-------------|-----------------------------------|

|            |                       |                       |
|------------|-----------------------|-----------------------|
| Dzung Banh | KC Gas & Groceries #3 | 1955 South Washington |
|------------|-----------------------|-----------------------|

| <u>New Operator</u> | <u>2003</u> | <u>(Consumption on Premises)</u> |
|---------------------|-------------|----------------------------------|
|---------------------|-------------|----------------------------------|

|                  |                 |                     |
|------------------|-----------------|---------------------|
| James D. Crowder | Tropics Lounge* | 2705 North Broadway |
|------------------|-----------------|---------------------|

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried 7 to 0.

## PREL. ESTIMATES

### PRELIMINARY ESTIMATES:

a) Water distribution system to serve The Executive at White Tail Addition - south of 13th Street North, east of K-96. (448-89726/735109/470789) Does not affect existing traffic. (District II) - \$63,000

b) Water distribution system to serve Shadow Ridge Addition - north of 31st Street South, east of Hillside. (448-89759/735112/470782) Does not affect existing traffic. (District III) - \$37,000

c) Water distribution system to serve Remington Place Second Addition - south of 21st Street North, east of Webb. (448-89763/735118/470788) Does not affect existing traffic. (District II) - \$30,200

d) Storm Water Sewer #576 to serve The Executive at White Tail Addition - south of 13th Street North, east of K-96. (468-83522/751331/485222) Does not affect existing traffic. (District II) - \$23,000

e) Lateral 157 War Industry Sewer to serve Shadow Ridge Addition - north of 31st Street South, east of Hillside. (468-83556/743975/480663) Does not affect existing traffic. (District III) - \$51,000

f) Lateral 41, Main 24 War Industry Sewer to serve Remington Place Second Addition - south of 21st Street North, east of Webb. (468-83554/743978/480666) Does not affect existing traffic. (District II) - \$55,000

g) Eagles Landing from the southwesterly line of Lot 19, Block C, south to the west line of Willow Point; on Willow Point from the west line of Eagles Landing, west to the west line of the plat; and on Willow Point from the west line of Eagles Landing, east to the west line of Dellrose Circle to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (472-83465/765781/490892) Does not affect existing traffic. (District I) - \$529,000

h) Woodcreek, from the east line of Rosewood to the east line of Whispering Lakes Estates Addition; Rosewood, from the east line of Brookhaven to the west line of 159th Street East; Rosewood Court (Lots 9-16, Block 1) from the north line of Rosewood to and including cul-de-sac; and Rosewood Court (Lots 1-8, Block 1) from the north line of Rosewood to and including cul-de-sac to serve Whispering Lakes Estates - south of Harry, east of 143rd Street East. (472-83668/765765/490876) Does not affect existing traffic. (District II) - \$437,090

i) Lateral 339 Four Mile Creek Sewer to serve The Executive at White Tail - south of 13th Street North, east of K-96. (468-83523/743973/480661) Does not affect traffic. (District II) \$23,000.00

Motion --carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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## PETITIONS

### **SANITARY SEWER TO SERVE SIERRA HILLS AND EQUESTRIAN ESTATES ADDITIONS – EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (District II)**

Agenda Report No. 03-0361.

On February 11, 2003, the City Council approved a sanitary sewer project to serve Sierra Hills Addition and Equestrian Estates Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developers have submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve residential developments located east of 127th Street East, north of Pawnee.

The original Petition totaled \$391,000. The new Petition totals \$425,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, and the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 03-158

A Resolution amending Resolution No. 03-094 pertaining to the construction of Lateral 343, Four Mile Creek Sewer (east of 127<sup>th</sup> Street east, North of Pawnee) 468-83583) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **THUNDERBIRD SWD STORM WATER DRAIN TO SERVE THUNDERBIRD OFFICE PARK ADDITION – SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)**

Agenda Report No. 03-0362.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend a storm water drain to an office building located south of Maple, west of 119th Street West.

The Petition totals \$264,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, and the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 03-159

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 202 (south of Maple, west of 119<sup>th</sup> Street West) 468-83607, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **WHISPERING LAKES SS SANITARY SEWER TO SERVE WHISPERING LAKES ESTATES ADDITION – SOUTH OF HARRY, EAST OF 143RD STREET EAST. (District II)**



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Agenda Report No. 03-0363.

On December 17, 2002, the City Council approved a sanitary sewer project to serve Whispering Lakes Estates Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a residential development located south of Harry, east of 143rd Street East.

The original Petition totaled \$254,000. The new Petition totals \$313,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-160

A Resolution amending Resolution No. 02-567 pertaining to the construction of Lateral 342, Four Mile Creek Sewer (south of Harry, east of 143<sup>rd</sup> Street East) 468-83538, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 03-0399.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

- 1)        Wichita Symphony /Young People's Concert – Tuesday-Thursday, April 15-17  
            Section of Century II Drive from Main, north to Douglas Avenue From 9:00 a.m.  
            – 12:00 noon.
- 2)        Southwest Neighborhood Association Parade – Saturday, April 19th  
            Seneca Street between Pawnee & 31st, 10:30 – 11:15 am

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

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## KDOT AGMT.

### KDOT RIGHT-OF-WAY USE FOR WICHITA SKATE PARK.

Agenda Report No. 03-0364.

The 2002 Park Capital Improvement Program (CIP) included \$50,000 for the design and construction of a skate park. The project was approved by the City Council at the February 5, 2002, meeting.

After considering several sites in the downtown area, the area between St. Francis and Emporia Streets beneath the Kellogg overpass was chosen as an ideal area for skaters. This area is currently under the jurisdiction of the Kansas Department of Transportation. City officials have requested use of this space with the understanding of meeting the requirements and conditions of a right-of-way use agreement.

The site underneath the Flyover will provide skate park users with protection from the elements. The location has been reviewed by KDOT, has been the subject of several design meetings, and will offer the benefits of a central downtown location.

Skateboard enthusiasts have developed a general concept plan for the park and are seeking to develop corporate and private sponsors and donors to leverage the City's \$50,000 investment into a more comprehensive facility.

In the future, it is anticipated that the completed skate park will draw skateboarding and skate enthusiasts from other cities and states, bringing revenue from outside the community into Wichita. The completed park may also add a new venue to Wichita's package of River Festival events.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ARK RIVER STUDY

### ARK RIVER STUDY – PHASE II SUPPLEMENTAL.

Agenda Report No. 03-0365.

The firm of HDR entered into a contract with the City of Wichita on February 13, 2001 for the purpose of providing environmental consulting services for the study of water quality in the Arkansas River and have completed the Phase 1 work of accessing stream flows, potential sources of pollution, water sampling recommendations, compilation and review of water quality data. As a consequence of that effort additional work was needed to address the study therefore requiring additional services from the firm and to enter into Phase 2 of the study.

In order to complete this phase of the Ark River study a contract in a not-to-exceed amount of \$65,769 has been developed for HDR to completing this phase of the study of the Arkansas River. This phase of the study will summarize findings to date, analyze new water data that has been developed by city staff and Kansas State University, best management practices recommendations, and recommend possible next steps for dealing with the Arkansas River and related water quality issues.

Funds are available in the EPA grant covering this project.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## SEWER/WATER IMP. SUPPLEMENTAL FOR SANITARY SEWER AND WATER IMPROVEMENTS TO SERVE AN AREA WEST OF MAIZE ROAD, NORTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 03-0366.

On November 5, 2002, the City entered into an Agreement with Baughman Company, P.A. for the design of improvements to an area generally west of Maize Road and north of 29th Street North.

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Baughman was asked to make some revisions after they had submitted the final plans. A Supplemental Agreement has been prepared for the additional engineering services.

Payment will be on a lump sum basis of \$3,140 and will be paid by Revenue Bonds and Operating Revenues.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## HAWTHORNE

### **CONSTRUCTION ENGINEERING AND STAKING FOR HAWTHORNE ADDITION – NORTH OF 21ST, EAST OF 127TH STREET EAST. (District V)**

Agenda Report No. 03-0367.

The City Council approved the project on October 22, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Hawthorne Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$63,240 and will be paid by special assessments.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## 21<sup>ST</sup> LANDSCAPING

### **CONSTRUCTION ENGINEERING FOR THE LANDSCAPING ALONG 21ST STREET FROM 119TH STREET WEST TO MAIZE ROAD - SUPPLEMENTAL. (District V)**

Agenda Report No. 03-0368

On October 12, 1999, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) for designing 21st Street North from 119th Street West to Maize Road. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering for the landscaping along 21st Street. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$5,100 and will be paid by General Obligations Bonds.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## HOMEOWNERSHIP

### **HOMEOWNERSHIP TRAINING AMENDMENT.**

Agenda Report No. 03-0369.

December 15, 1998, the City Council approved a joint proposal from Mennonite Housing Rehabilitation Services, Inc. and Community Housing Services of Wichita/Sedgwick County for the provision of homeownership training classes required for participation in the City's HOMEownership 80 program. The agencies receive compensation for their services upon completion of training and acquisition of a

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home by a HOMEownership 80 program client. Although the agreement remains in force, the funding originally provided has run out.

The homeownership training classes benefit HOMEownership 80 clients by familiarizing them with all of the aspects involved in the purchase of a home, including shopping for a home, mortgage financing, and the closing transaction.

The availability of homeownership training through both agencies has resulted in an increase in the number of classes available each month, thereby providing HOMEownership 80 clients with increased scheduling flexibility, and the added convenience of a choice of locations.

During the 1999-2000 Consolidated Plan funding process, the City Council approved \$375,000 for the HOMEownership 80 program, from the City's annual HOME grant. This amount included \$15,000 of additional funding for the homeownership training services provided by Community Housing Services and Mennonite Housing. The provision of the homeownership training classes was also approved in the City's Consolidated Plan as a component of the HOMEownership 80 program. The agencies are desirous of continuing to provide the services, thus, Housing Services is requesting amendment of the current funding agreement in order to add an additional \$15,000 of funding.

Under the amendment to the funding agreement, each agency would receive payment of \$300.00 for each trainee that successfully completes the training class and closes the purchase of a home through the City's HOMEownership 80 program.

The amendment to the funding agreement will be approved as to form by the City Law Department.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **GILBERT/MOSLEY**

### **PROFESSIONAL SERVICES SUPPLEMENT – GILBERT AND MOSLEY PROJECT.**

Agenda Report No. 03-0370.

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson Morrison Hecker LLP (formerly Stinson, Mag & Fizzell) to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, including David Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a number of responsible parties has resulted in significant legal services for settlements, trial, payment of experts, and related litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson Morrison Hecker LLP on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll, which is handling the litigation to recover costs from responsible parties. This agreement also provides for completion of payment for the City's expert witnesses in the litigation, which are retained by the law firm.

This supplemental agreement provides authority for an additional \$500,000 in legal services and related expenses. These services are budgeted and will be paid out of the Gilbert & Mosley TIF.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## **HOMELESS GRANT    GRANT AMENDMENT – HOMELESS ASSISTANCE.**

Agenda Report No.03-0371

On May 22, 2001, The City Council approved submission of an application for a one-year renewal of assistance through the Department of Housing and Urban Development's Shelter Plus Care Section 8 Program, and authorized the City Manager to sign the grant agreement and receive funds. The program provides housing and supportive services for homeless persons with disabilities. (Primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases.) The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the homeless population with disabilities. Funds were received, and the original agreement was executed and became effective May 2, 2002. The term of the agreement expires May 1, 2003.

Housing Services received written notice from the President of the Board of Directors of ConnectCare, Inc. (one of the supportive service providers under the grant), that the agency planned to cease operations, effective January 24, 2003. ConnectCare, Inc., was a local HIV/AIDS service provider providing case management and other related services to the Shelter Plus Care HIV/AIDS clients. At its January 27, 2003 meeting, the Board of Directors of Positive Directions also a local HIV/AIDS service provider, voted unanimously to seek approval from the City and HUD to provide case management services under the Shelter Plus Care program, assuming the workload of ConnectCare, Inc.

The Grant Agreement with HUD stipulates that the agreement may be amended only in writing executed by HUD and the Recipient (City of Wichita). After completing a review of Positive Directions' HIV/AIDS program experience, staffing and financial capabilities, staff received authorization from HUD to include Positive Directions as a new supportive services provider under the program. HUD has forwarded an amendment to the original grant agreement, which will allow for participation by Positive Directions.

The execution of the Grant Amendment adding Positive Directions as a service provider is a programmatic change and will not have any financial impact on the program.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **EPA**

### **EPA SPECIAL INFRASTRUCTURE GRANT AGREEMENT.**

Agenda Report No. 03-0372

On March 6, 2003, the U.S. Environmental Protection Agency (EPA) approved a grant for Wastewater Infrastructure Rehabilitation including the canal route sewer manhole rehabilitation project and the Planeview Subdivision sanitary sewer and manhole rehabilitation project.

Funds are to be used for sanitary sewer rehabilitation projects in the City of Wichita. The three individual projects and locations are:

1. Canal Route Manhole Reconstruction – Reconstruction of Sanitary Sewer Manholes along the canal between Interstate 135 from US 54 (Kellogg) to Murdock Street
2. Reconstruction and/or Rehabilitation of Sanitary Sewer Pipe and Manholes in Planeview Subdivision
3. Reconstruction and/or Rehabilitation of Sanitary Sewer Pipe and Manholes in Hilltop Subdivision

The project includes the reconstruction and/or rehabilitation of approximately 105 sanitary sewer manholes and 22,000 linear feet of 6-inch and 8-inch sanitary sewer pipe. The expected benefits of the projects include:

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- Reduction of inflow and infiltration
- Increased structural integrity of the sanitary sewer system
- Increased efficiency of the sewage flow
- A facility that is safe and reliable

The Engineering Division of the Public Works Department is responsible for the management of the project.

The grant from the EPA is for \$485,000. The City's share of \$2,075,000 will be funded from Capital Improvement Program S-526 (Canal Route Manhole Reconstruction) and CIP S-4 (Reconstruction of Old Sanitary Sewers). CIP S-526 has \$280,000 budgeted in 2002 and \$280,000 in 2003. CIP S-4 has \$3,100,000 budgeted in 2003 and \$3,200,000 in 2004.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES - FOREST LAKES WEST – NORTH OF 29TH, EAST OF TYLER. (District V)**

Agenda Report No. 03-0373

The City Council approved the project on September 23, 1997.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Forest Lakes West. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES - EAGLES LANDING AT NORTH OLIVER SECOND ADDITION – SOUTH OF 45TH STREET NORTH, WEST OF OLIVER. (District I)**

Agenda Report No. 03-0374

The City Council approved the project on January 15, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Eagles Landing at North Oliver 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$38,400, and will be paid by special assessments.

Motion –  
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## 29<sup>TH</sup> STREET IMP.

### 29TH STREET NORTH IMPROVEMENT - ROCK TO WEBB. (District II)

Agenda Report No. 03-0319

Development north of the New Market Square is expanding to the area north and south of 29th Street North, west of Maize Road. Discussions with the developer have disclosed the need to expedite the paving of 29th Street North west of Maize. Further, development east of Ridge Road on 29th Street North has caused traffic to increase between Ridge Road and West Street. Currently, temporary pavement exists on 29th Street North - between Maize Road and Ridge Road. Permanent pavement design is currently being done for 29th Street North, Maize to Tyler with construction to take place in 2004. The CIP has programmed design and construction of 29th Street North, 119th to West Street in the ten-year program.

This Street - 29th Street North, west of Maize Road - is unpaved; likewise 29th Street North - ½ mile east of Ridge Road to West Street is unimproved. Traffic volumes are increasing due to development of the surrounding areas. The proposed project is to begin designing (1) 29th Street North, ½ mile west of Maize Road to urban standards; and (2) designing 29th Street North - from ½ mile east of Ridge Road to West Street to rural standards. If approved, it is Staff's plan to pave 29th Street North - east of Ridge Road - with a low cost rural construction standard to provide for hard surfacing for the traffic that currently exists in this corridor. The segment west of Maize Road will have to be programmed for construction in the revised CIP, currently being programmed.

The estimated design cost for the ½ mile segment west of Maize Road is \$75,000. The estimated cost for the 1-½ mile segment west of Hoover is \$35,000. If approved, the recommended funding source is General Obligation Bonds. These projects were not budgeted or provided in the current CIP. Funding can be made available for this work from savings from the design budget for the improvement between Maize and Tyler which were lower than anticipated..

Motion --  
-- carried

Knight moved that the transfer of funds and the project be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

### ORDINANCE

An Ordinance amending Ordinance No. 45-289 of the City of Wichita, Kansas declaring 29th Street North, between Rock and Webb (472-83519) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

## HYATT

### AMENDMENT TO HYATT MANAGEMENT AGREEMENT.

Agenda Report No. 03-0375

The City of Wichita approved a management agreement with the Hyatt Corporation in December 2001. That management agreement established hotel operating accounts, working capital, and an FFE reserve account for future capital improvements to the hotel facility. It was the intent of the agreement and stated in the agreement that the Hyatt shall have the sole and exclusive right and authority, as agent for the Owner, to direct, manage and control all aspects of the management and operation of the Hotel. The Hyatt is to directly pay all bills and invoices for the Hotel, including real estate taxes, insurance premiums, and capital expenses, from hotel operating receipts.

The agreement stated that all accounts (banking) shall be maintained in the name of Hyatt as agent for Owner, and all funds deposited therein shall be the sole property of Owner. During the course of changes in bank accounts at the hotel, it was discovered that the statement 'as agent' may present a technical obstacle for the Hyatt to have complete authority to pay expenditures utilizing the bank accounts that have been established.

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A 'Memorandum of Agreement relating to the Management Agreement' has been drafted to clarify the management agreement.

Motion --  
-- carried

Knight moved that the Memorandum of Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## CARE HOME INSP.

### ADULT CARE HOME INSPECTION GRANT APPLICATION.

Agenda Report No. 03-0376

The Environmental Health Department assists staff from the Kansas Department of Health and Environment, upon request, in inspections and investigation of complaints in adult care facilities within Sedgwick County. KDHE provides an annual grant to fund these activities, and has solicited a grant application for state fiscal year 2004.

The vast majority of adult care home regulatory activities are carried out by Kansas Department of Health and Environment staff. The grant provides KDHE with local resources when state staff are unavailable or require assistance.

The grant application for state fiscal year 2003 totals \$27,000. Funds received help support the Childcare Licensing program. Nurses assigned to Childcare Licensing provide assistance to KDHE adult care home surveyors upon request.

The grant contract will be submitted to the Department of Law for approval upon receipt.

Motion --  
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## ACTION PLAN

### CONSOLIDATED PLAN – 2003/2004 ONE-YEAR ACTION PLAN.

Agenda Report No. 03-0377

On March 4, 2003, the City Council approved funding allocations for the 2003/2004 Consolidated Plan. The preliminary One-Year Action Plan includes Community Development Block Grant funding allocations, HOME Investment Partnership funds, and Emergency Shelter Grant funds. To receive these federal funding allocations, HUD requires cities to prepare a One-Year Action Plan listing of eligible projects and services to be undertaken, their location and proposed activities. The proposed One-Year Action Plan must be submitted for public comment prior to final adoption by the City Council.

The City's preliminary 2003/2004 One-Year Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year. The 2003/2004 One-Year Action Plan covers the period beginning July 1, 2003 and ending June 30, 2004.

The 2003/2004 One-Year Action Plan totals \$6,910,556 and is comprised of grant funds in the amount of \$6,686,556 and estimated income (primarily from revolving funds such as Historic Loans) of \$224,000. The actual Congressional appropriations reduced the CDBG allocation by \$12,000, increased the HOME allocation by \$119,056 and reduced the ESG allocation by \$2,000. Prior CDBG year funds were added to bring the CDBG allocation to level approved by the City Council on March 4, 2003. The additional HOME funds were distributed to City Council approved projects and ESG projects were proportionately reduced to the actual funding level.

The City has met all federal requirements to proceed with issuance of a preliminary One-Year Action Plan. A thirty-day public comment period is required, beginning April 4, 2003 and ending on May 3, 2003.



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Motion -- Knight moved that the reallocation of prior-year funds and the proposed 2003/2004 One-Year Action Plan, as amendment, to City's Consolidated Plan be approved; and the public comment period be implemented. Motion carried 7 to 0

-- carried

## CITY HALL

### CITY HALL FIRST FLOOR REMODEL.

Agenda Report No 03-0378

The City Building was constructed in the 1970s and since that time a number of conditions have changed with respect to public building security and the need for improved citizen access. In the 2002/2003 budget, the City Council approved work to improve and modernize the first floor area, together with security modifications. This work was to accommodate citizens and to ensure a safe working environment. The City engaged the services of the Schaefer Johnson Cox firm to perform this work inasmuch as they currently had a contract for the atrium and several office projects. This firm has prepared the design and security concepts for the first floor.

As part of the work contracted, the architects were requested to provide a schematic design to improve building security, traffic flow, and office space availability/efficiency with more secure accessibility to the first floor of City Hall. Because of budget constraints, Due to budget constraints, work on this project has be placed on hold for a year pending improved economic conditions. The work accomplished to date has provided a valuable understanding on the structural design of the building, including entrances, exits and mechanical systems, which have helped to plan for necessary security improvements. The conceptual work has been completed and is ready for final design and bids.

Because the project has been delayed, the architects are requesting payment for the services provided. A total of \$22,265 is due and payable for professional services provided over a period of many months investigating the possibilities of various design and security modifications. Funding is available from the existing First Floor Remodel project account.

Expenditures over \$10,000 require City Council approval.

Motion --carried Knight moved that the payment for services rendered on the project be approved. Motion carried 7 to 0.

## SALES TAX

### SALES TAX LIABILITY ADJUSTMENT.

Agenda Report No. 03- 0379

Following the completion of a sales tax audit by the Kansas Department of Revenue (KDOR) in the mid 1990s, changes were instituted in relation to the type of consumed goods purchases that are subject to sales tax. The changes primarily affected the Water Utility. An internal audit for the period 1999 through 2001 indicated that sales tax was not properly applied to several categories of consumed goods purchases. The implementation of a revised reporting format by KDOR in September of 1999 led to a misinterpretation by Staff of exemption reporting and an under reporting of water sales subject to sales tax.

A recap of outstanding tax liability totals \$66,612 related to the reported items above. Interest and penalty added by KDOR revises this figure to \$96,441.

The majority of the base tax liability figure (\$49,374) is associated with nonpayment of tax on consumed goods. The nonpayment of tax in this area at the time that it was incurred is attributable to reporting issues relating to the change in purchasing office supplies from a central vendor, rather than through the Stores operation and to credit card purchases. The remainder of the tax liability (\$17,238) is attributable to a change in the format for the submittal of sales tax on the sale of water initiated by KDOR.

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Many municipalities throughout the state experienced severe problems in interpreting the requirements of the new reporting format. Currently, KDOR is carrying a very large liability figure because of the initial treatment of exemptions on the filing forms.

The base tax liability of \$66,612 represents less than 4% of the total amended return for the periods covered by the reporting. The \$17,238 liability figure associated with the water sales reporting process does not represent a loss to the Water Utility, in that sales tax was paid by customers on water sales. The liability is in relation to the reporting process.

The Kansas Department of Revenue will assess interest of \$13,416 and penalties of \$16,653. City's legal staff indicates there is a possibility of forgiveness of these charges under a Kansas taxpayer's amnesty program. The total amount required, if paid by May 30, 2003, is \$96,731. This would be paid from the \$1,000,000 allocation in the Water Utility for contingency.

Law recommends payment of the tax liability and exploring the waiver of the interest and penalties.

Motion -- Knight moved that the outstanding tax liability be approved; Law Department be authorized to request a waiver of interest and penalties; and the budget adjustment of \$100,000, be approved. Motion carried 7 to 0.  
-- carried

## PROPERTY ACQ.

### ACQUISITION BY EMINENT DOMAIN – 137 NORTH HILLSIDE.

Agenda Report No. 03-0380

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is 137 North Hillside. The site contains 7,500 square feet and is improved with a 2,413 square foot, two-story frame residence that has been converted to commercial use. The planned improvement to Hillside will require the entire front portion of the site, including the porch and all parking.

City staff have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owner. The owner was offered \$58,000 based on appraised value. The owner has countered at \$162,000 to \$172,000 based on his own appraisal. The property is currently unoccupied. The owner has indicated that he will lease the property in the near future if a resolution is not reached. Staff will continue to negotiate with the owners, but due to the owner's wishes, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion -- Knight moved that the Resolution be adopted; and the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, be placed on first reading. Motion carried 7 to 0.  
-- carried

### RESOLUTION NO. 03-161

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Hoover Drainage Improvement Project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from Kellogg Avenue to central avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

(Addendum No. 42)

### **PROPERTY ACQ. PROPERTY ACQUISITION – 132 NORTH MOSLEY.**

Agenda Report No. 03-0398

Old Town is continuing to evolve over time as the City's primary entertainment district. Various legacy warehouse uses have maintained operations, albeit on a declining basis. Certain warehouse operations in the central area of Old Town are becoming increasingly more problematic and the City looks for opportunities to seek relocation to a more compatible area -- one such property 132 N. Mosley.

The City has been offered an option to purchase one such property is at 132 N. Mosley. The owners originally sought \$1.2 million as the market value of the property. After negotiations, the cost was negotiated to \$825,000, in line with current comparable land values in the area. This negotiated price will allow the City the fiscal ability to acquire the property and to redevelop it as another appropriate Old Town use.

The City's option would extend to September 1, 2003, with additional extensions on a month-to-month basis by mutual agreement of the parties. As part of the option package, the existing structures (two masonry and one metal) would be demolished and parking constructed as an interim use pending future prospective resale and private redevelopment into a signature Old Town property.

The cost of the option is \$250,000 which option amount would be credited toward the purchase price of \$825,000. Additionally, the City would pay not-to-exceed \$217,000 for the structure demolition costs and not-to-exceed \$300,000 for parking construction. The acquisition cost will be financed from downtown parking revenues and demolition/parking construction from Old Town tax increment.

The Director of Law has approved as to legal form the documents (purchase option and bonding resolution) effecting this transaction.

Motion --  
-- carried

Knight moved that the purchase option be approved; the necessary signatures be authorized; and the Resolution be adopted.

## RESOLUTION NO. 03-162

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvement in accordance with the findings of the governing body; and directing publication of the Resolution, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## **SANITARY SEWER      PUBLIC EXIGENCY PROJECT – SANITARY SEWER REPAIRS. (District II)**

Agenda Report No. 03-0381

On Friday, March 14th, Sewer Maintenance discovered a collapsed 15-inch sanitary sewer pipe in the vicinity of Douglas and Linden. Crews set up a temporary bypass pump system into an adjacent 21-inch sanitary sewer until emergency repair could be done. Due to the depth of the pipe and the dewatering required to make the repair, it was recommended that the repair be done by a contractor.

Staff contacted five (5) contractors. W.B.Carter Construction submitted the only bid at \$431 per linear foot, with a minimum of 12.5 feet. Due to the brittleness of the existing clay pipe, the Contractor had to replace forty-one (41) linear feet of pipe to ensure structurally sound clay pipe on either end of the repair. This increased the total estimated cost to \$18,000.

The repair will be funded from Sewer Utility Revenues. Funds are available in CIP S-4 (Reconstruction of Old Sanitary Sewers).

City Ordinance 2.64.020.5 (Public Exigency) authorizes the City Manager to approve work to be performed by a contractor without formal bidding. The City Manager approved proceeding with the project on March 17, 2003.

Motion -- carried

Knight moved that the exigency approval be affirmed. Motion carried 7 to 0.

## **BROOKS LANDFILL      REQUEST FOR PROPOSALS FOR AIR PERMIT FOR BROOKS LANDFILL SITE (District VI)**

Agenda Report No. 03-0382

The Brooks Landfill is required to have a permit under Title V of the federal Clean Air Act. City staff filed initial air emission information with the Kansas Department of Health and Environment (KDHE) on April 29, 1998. On July 26, 2002 KDHE staff meet with City staff concerning air regulation compliance issues. City staff, along with the City's partner in the development of a landfill gas collection system (Wichita Gas Producers, LLC - a company owned by DTE/Biomass Energy Inc.), has been working with KDHE since that meeting to address the issues that were raised.

One of the issues raised by KDHE is the need for the Brooks Landfill site to have a Title V air permit. The development of a permit application and a draft permit will require the assistance of a consulting engineer

It is estimated that the cost of these consulting services will not exceed \$20,000. There are sufficient funds in the 2003 Landfill Post Closure Fund (OCA 131384) to pay for these services. One of the outcomes of this consulting engagement will be to determine other expenses the City will face to bring this site into compliance with current air regulations.

The City of Wichita must comply with applicable federal and state laws including those contained in Title V of the Clean Air Act. These laws place requirements for permits on sites such as the Brooks Landfill.

Motion --  
-- carried

Knight moved that the Staff be directed to issue the Request for Proposals and return to the City Council with a proposed agreement to retain the recommended consultant. Motion carried 7 to 0.

## **MAIL MACHINE      PURCHASE OF MAIL MACHINE.**

Agenda Report No. 03-0383

The City of Wichita currently processes between 1,000 and 3,000 pieces of mail daily averaging postage totaling approximately \$400,000 annually. In 1999, a Paragon F60 was purchased to process the mail. The mail machine has out lived it's manufacturer's recommended life cycle of 500,000 mail pieces and is in need of repair too frequently (causing delays in processing mail timely). A Request for Proposal (RFP) was developed and sent to three (3) vendors to provide a mail machine for the City of Wichita.

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A staff committee reviewed the proposals to select a vendor based on timesaving tools and price. Pitney Bowes is recommended to provide these services at the lowest cost to the City. The Pitney Bowes equipment will utilize software and tools saving the City both time in moving the mail in a timely fashion and money. Training will be included in this package to ensure staff can operate the equipment efficiently. This purchase will enable that the City has ongoing mail service for the departments serviced by the mailroom at the most cost effective rates.

All purchases greater than \$10,000 are approved by City Council.

Funding for the mail machine is included in the budget.

Motion --  
-- carried

Knight moved that the selection of Pitney Bowes for the mail machine in the amount of \$40,733 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **SALE OF SURPLUS PROPERTY LOCATED 1251 NORTH BROADWAY. (District VI)**

Agenda Report No. 03-0384

An offer of \$15,000 has been received for the single-family residence at 1251 North Broadway. The property is developed with a 1,738 square foot, two story frame structure. The house has three bedrooms and one bath. There is no garage or basement. The property was acquired through condemnation as a blighted property. The property is in poor condition and needs major renovation.

The property is on a major street. Its condition detracts from the surrounding neighborhood. The buyer has agreed to renovate the property and correct identified housing code violations.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will be renovated and will return to the tax rolls.

Motion --  
-- carried

Knight moved that the sale and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **SALE OF SURPLUS PROPERTY - SOUTHEAST CORNER OF BAEHR AND CENTRAL REMNANT. (District IV)**

Agenda Report No. 03-0385

An offer of \$6,500 has been received for the City-owned tract of vacant land at the southeast corner of Baehr and Central. The tract was acquired in 1999 in conjunction with the widening of Central from West Street to I-235. The site was originally developed with a single family residence which was removed for the project. The tract contains approximately 9,300 square feet.

The buyer intends to develop the parcel for a commercial use. Access will be from Central. Redevelopment will require rezoning. This site has been marketed but due to its configuration and small size, prior offers have been much lower. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --  
-- carried

Knight moved that the sale and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **SALE OF SURPLUS PARCEL AT 31ST STREET SOUTH AND THE TURNPIKE (District III)**

Agenda Report No. 03-0386

An offer has been received for the City-owned tract of vacant land on 31st Street South just east of the Kansas Turnpike. The parcel is an undeveloped portion of a larger City-owned tract that includes the fire training facility, softball diamonds and other vacant land. The land was acquired in the 1950's when Plainview open space was deeded to the City by the federal government. The tract contains approximately 130,680 square feet.

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The buyer intends to develop the parcel with a commercial facility to house his business. The site was appraised and the buyer has offered to pay the appraised value of \$.25 per usable square foot. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --  
-- carried

Knight moved that the sale and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## WATERWALK

### **RESOLUTION FOR STAR BONDS – WATERWALK REDEVELOPMENT PROJECT.**

#### RESOLUTION

A Resolution in support of Star Bonds for the Waterwalk Project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ MARCH 25, 2003)**

- a) Purchasing and budget adjustment limits.

#### CHARTER ORDINANCE NO. 196

1. A Charter Ordinance amending Section 1 of Charter Ordinance No. 151, pertaining to the methods of building public improvement projects, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

#### ORDINANCE NO. 45-690

2. An Ordinance amending Sections 2.64.010 and 2.64.020 of the Code of the City of Wichita, Kansas, pertaining to the purchasing policy of the City of Wichita, and repealing the originals of said sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Fee adjustments –account origination fees.

#### ORDINANCE NO. 45-691

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## SECOND READING PAVING ORDINANCES. (FIRST READ MARCH 18, 2003)

a) (472-83114\765689\490-800)

### ORDINANCE NO. 45-646

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) (472-83143\765709\490-820)

### ORDINANCE NO. 45-647

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Highland Springs, Remington Lane, Bluegrass, Highland Springs Courts, Remington Lane Court, Bluegrass court and sidewalks to serve Highland Springs Second Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) (472-83180\765615\490-726)

### ORDINANCE NO. 45-648

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Edwards to serve Northwest Heights Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

e) 472-83235\765691\490-802)

### ORDINANCE NO. 45-649

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Parkridge, Ryan, Ryan Place, Ryan Courts, Parkridge Court, and sidewalk to serve West Ridge Estates, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

f) (472-83245\765704\490-815)

### ORDINANCE NO. 45-650

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Churchill Circle, Churchill Court to serve Wilson Farms Second Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

g) (472-83317\765674\490-785)

### ORDINANCE NO. 45-652

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Mead to serve Smithmoor 10th Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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h) (472-83329\765690\490-801)

## ORDINANCE NO. 45-653

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving decel & left turn lanes on Woodlawn & 37th Street North to serve Whispering Brook Commercial Second Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

i) (472-83359\765681\490-792)

## ORDINANCE NO. 45-654

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Covington, Covington CT to serve the Lochs at Aberdeen, Aberdeen Third Addition. and Evangel Assembly of God Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

j) (472-83375\765698\490-809)

## ORDINANCE NO. 45-655

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 19th Street North, Churchill, Frederic/Red Oaks, sidewalk to serve Remington Place, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

k) 472-83381\765685\490-796)

## ORDINANCE NO. 45-656

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Carr to serve an unplatted tracts in northeast quarter, Section 31, TWP27S, R1W, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

l) 472-83410\765734\490-845)

## ORDINANCE NO. 45-657

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Sandplum Circle, Sandplum Court, Sandplum Circle and cul-de-sac to serve Ridge Port North Third Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

m) (472-83417\765694\490-805)

## ORDINANCE NO. 45-658

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Onewood, Dogleg, Onewood CT and sidewalk to serve Auburn Hills 13th Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.



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n) (472-83421\765696\490-807)

## ORDINANCE NO. 45-659

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving north-south alley west of Santa Fe to serve J.P. Hilton's Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

o) (472-83422\765703\490-814)

## ORDINANCE NO. 45-660

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Richmond Circle to serve Legacy Second Addition.

p) (472-83424\765705\490-816)

## ORDINANCE NO. 45-661

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Triple Crown, Buckskin, Buckskin CT, Triple Crown CT, Stampede and sidewalk to serve Equestrian Estates, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

q) (472-83440\765707\490-818)

## ORDINANCE NO. 45-662

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving St Paul, 43rd Street South, St Paul Circle, 43rd Street Court South and sidewalk to serve the Legacy Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

r) (472-83448\765710\490-821)

## ORDINANCE NO. 45-663

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Pine Meadow, Bedford Street, Bedford Circle, Bedford Courts and sidewalk to serve Pine Meadow Second Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

s) (472-83449\765711\490-822)

## ORDINANCE NO. 45-664

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Pine Meadow and sidewalks to serve Pine Meadow Addition. and Pine Meadow Second Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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t) (472-83498\765724\490-835)

## ORDINANCE NO. 45-665

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Funston, Pierce Circle, Leanne Lane and cul-de-sac to serve Smithmoor 10th Addition, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## WEED MOWING

### SPECIAL ASSESSMENTS FOR WEED MOWING.

Motion --carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

## PLANNING AGENDA

Dale Miller, Acting Director of Planning, said all Items, except Item 37, could be taken as consent Items.

Knight moved that all Items, except Item 37, be approved as consent Items. Motion carried 7 to 0.

## SUB2002-130

### SUB2002-130 – PLAT OF SUBWAY ADDITION – SOUTH OF HARRY, EAST SIDE OF WEBB ROAD. (District II)

Agenda Report No. 03-0388

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

This is an unplatted site located within the City. The site has been approved for a zone change (ZON 2002-05) from SF-5, Single-Family Residential to LC, Limited Commercial.

A Restrictive Covenant was submitted that permits future cross-lot access with the abutting property owner to the south.

By submitting a Driveway Approach Closure Certificate, the applicant has guaranteed the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.

The Restrictive Covenant and Driveway Approach Closure Certificate will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; and the necessary signatures be authorized.  
Motion carried 7 to 0.

## ZON2003-00004

### ZON2003-00004 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL – WEST OF HOOVER, NORTH OF ELM. (District VI)

Agenda Report No. 03-0389

MAPC Recommendation: Approve, subject to platting within one year and conditions. (10-0)  
Staff Recommendation: Approve, subject to platting within one year and conditions.

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D.A.B. Recommendation: Approve, subject to platting within one year and conditions. (9-0)

The applicant requests "TF-3" Two-family Residential zoning on a 1.81-acre site for duplex development; the application area is currently vacant. The site is on the west side of Hoover, and north of Elm. Most property surrounding the application area is zoned "SF-5" and developed with single-family residences. Some nearby property also remains vacant. Several lots north and south of the application area are zoned "TF-3". Most of those are developed with single-family uses. A few are developed with duplex units. Immediately west of the application area is I-235.

The proposed zone change, from "SF-5," to "TF-3" and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County Unified Zoning Code (UZC).

At the DAB VI meeting held on March 3, 2003, the DAB voted (9-0) to approve the zone change subject to platting within one year, and subject to the owner/developer signing the petition to pave this section of Hoover. DAB members' questions about the number of duplexes, landscaping, utilities, access and the paving of this section of Hoover were answered to their satisfaction. The applicant agreed with the Planning Staff recommendation. No one spoke in opposition to the requested zoning change.

At the MAPC meeting held on March 6, 2003, the MAPC voted (10-0) to approve the zone change subject to platting within one year, and subject to the owner/developer signing the petition to pave this section of Hoover. The applicant agreed with the Planning Staff recommendation. No one spoke in opposition to the requested zoning change and there have been no written protest received.

Motion --  
-- carried

Knight moved that the zone change, subject to platting within one year and conditions, be approved; and the Ordinance be forwarded to the Council when the Plat is forwarded for approval. Motion carried 7 to 0.

**ZON2003-00005**

## **ZON2003-00005 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – SOUTHWEST OF KELLOGG AND MARKET. (District I)**

Agenda Report No. 03-0390

MAPC Recommendation: Approve, subject to conditions. (12-1)

Staff Recommendation: Approve, subject to conditions.

The applicant is seeking "GC" General Commercial zoning for Lots 20, 22, 24 & 26, Payne's Addition, located southwest of the East Kellogg Drive and Market Street intersection. These lots are currently zoned "B" Multi-family Residential and are vacant. These lots are part of an approximate 1.03-acre site that the applicant proposes to develop for the relocating Lewis Street Glass Company and are the only part of the site that is not zoned "GC". Rezoning the lots will give the applicant the same zoning for the whole site, which has East Kellogg Drive on its north side, Market Street on its east side, Orme Street on its south side and a paved alley on its west side.

The site is undeveloped except for a vacant auto service on the south end. Development will consist of new buildings, parking and landscaping for the Lewis Street Glass Company with the primary frontage being on East Kellogg Drive. The vacant auto service will be renovated and be part of the glass company. East Kellogg Drive is a frontage road for Kellogg - US Highway-54. There is no direct access onto East Kellogg Drive and the City has recently installed landscaping in that ROW. Access onto the site is off of Market, Orme and the paved alley.

The site is part of a block wide area of mostly commercial zoning and recent commercial development, located between Orme Street on the south and Kellogg - US Highway-54 on the north. The block wide area extends to Water Street on the west and Topeka Street on the east. US-54 separates the site from the "CBD" Central Business District zoning area that covers most of downtown Wichita. The areas west and east of the site are a mix of recent developed and redeveloped "GC" & "LC" zoned properties and a few older, developed "B" zoned properties. The developed properties closest to the site include a renovated multi-storied hotel, Kansas Blueprint, a newer long-stay type motel, a retail business, a bank, and two older, large single-family homes. The long-stay type of motel is designed to appear more like an apartment complex. Properties to the south, across Orme Street, are overwhelmingly zoned "B" and developed as a mix of single-family residential with some duplex and multi-family.

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The business of the Lewis Street Glass Company is considered Manufacturing, limited. Manufacturing is allowed in the "GC" zoning district when the entire frontage of the ground floor along the principal street frontage is used for office space, display, or wholesale or retail sales. East Kellogg Drive is the principal street frontage. The applicant has agreed to a combination of office space, display, or wholesale or retail sales for the entire frontage of the ground floor along East Kellogg Drive.

At the MAPC hearing on March 6, 2003, the MAPC voted 12-1 to recommend approval of the request with the condition that entire frontage of the ground floor along East Kellogg Drive be a combination of office space, display, or wholesale or retail sales. The applicant agreed with the Planning Staff recommendation. The Commissioner voting in opposition to the zoning request made no comment in regards to the vote against the request. No one spoke in opposition to the requested zoning change and there have been no written protest received.

Motion --  
-- carried

Knight moved that the zone change be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2003-00006

**ZON2003-00006**

**ZON2003-00006 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL – SOUTHEAST CORNER OF DOUGLAS AND MINNEAPOLIS AVENUES. (District I)**

Agenda Report No. 03-0391

MAPC Recommendation: Approve, subject to replatting within one year and a protective overlay. (10-1)  
Staff Recommendation: Approve, subject to replatting within one year and a protective overlay.  
D.A.B. Recommendation: Approve, subject to replatting within one year and a protective overlay. (7-0)

The applicant is requesting rezoning of a 0.76 acre of property located south of Douglas and east of Minneapolis Avenue from "B" Multi-family Residential to "LI" Limited Industrial. The rezoned tract would be combined with property currently zoned "LI" that is located south of Douglas and extends from Minneapolis Avenue eastward to Minnesota Avenue and I-135. The proposed use for the combined tract is an office and warehouse for the Kansas Food Bank Warehouse.

The proposed property for rezoning includes an abandoned parking lot, two dwellings, and a portion of an alley. The combined site includes an abandoned used car lot that has been reused as an office by the Kansas Food Bank. A portion of the proposed parking and loading area would be located on right-of-way associated with I-135 (the Canal Route). The applicant is in the process of receiving approval (minor street privilege) to use this property for parking and loading space.

The surrounding area to the north and northwest is commercial and industrial and is zoned "LI". Douglas Avenue is the historic main street from the core area, and has a mix of commercial, office and industrial uses in the vicinity of the Food Bank site. The property directly north of the Food Bank is currently vacant but was a former car dealership. Many buildings along Douglas have zero-lot setbacks, most are of brick or masonry construction. The property to the south and west is zoned "B" and developed mostly with single-family residences, with a few apartments. I-135, the Canal Route, borders the property on the east. Wichita High School East is located on the eastern side of the Canal.

At the District I Advisory Board hearing held March 3, 2003, the DAB voted (7-0) to approve subject to replatting and the recommended protective overlay provisions. One nearby resident asked questions but appeared to be satisfied with the proposed project after reviewing the proposed site plan. An agent for nearby rental property expressed concerns about traffic and size of the building.

At the MAPC meeting held March 6, 2003, MAPC voted (10-1) to recommend approval subject to replatting and the recommended protective overlay provisions, including the provision requested by the MAPD Subdivision

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Committee that the off-site access opening on Douglas be right-in/right-out. One member of MAPC expressed concerns about off-site landscaping required in conjunction with the project. The provisions of Protective Overlay #123 are as follows:

1. The property shall be limited to those uses permitted in the "LC" Limited Commercial district and to warehouse use. Outdoor storage activities shall conform to the "Outdoor Storage" requirements of the "LC" district.
2. No billboards shall be allowed. Building signs shall not be permitted on the south building elevation and shall not be permitted on the west building elevation except in the northern 30 feet of the property to be rezoned. Directional signage not over five feet in height shall be permitted to allow for proper traffic access to the site per the City of Wichita Sign Code.
3. Primary exterior building materials shall consist of brick, EIFS, stucco, or precast concrete. Metal or wood siding shall not be permitted as an exterior material except as incidental trim.
4. A wrought iron fence and a landscape buffer at least 15 feet in width shall be provided between the edge of pavement of parking and loading areas and the boundary of the site, defined as the edge of the area granted a minor street privilege. The landscape buffer shall contain a minimum of one tree every 30 feet, and solid parking lot screening along parking, loading and drive aisles, consisting of shrubbery that is a minimum of three feet in height at maturity. Landscaping for other portions of the tract shall meet the City of Wichita Landscape Ordinance.
5. Solid wood fencing at least six feet in height shall be allowed on the south property line.
6. Lighting standards shall be no more than 20 feet in height, and shall otherwise conform to Sec. IV-B.4 of the Unified Zoning Code.
7. Access onto Douglas from the off-site property used for parking and loading shall be limited to right-in/right-out only.

Motion --  
-- carried

Knight moved that the zone change, with the Protective Overlay, be approved and the Ordinance be placed on first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

(Agenda Item # 37)  
**PUD2003-01**

**PUD2003-01 – PUD NO. 16 – RUSTY ECK FORD PLANNED UNIT DEVELOPMENT FOR RELOCATION OF A VEHICLE SALES BUSINESS IN CONJUNCTION WITH THE KELLOGG FREEWAY PROJECT – NORTHWEST CORNER OF KELLOGG AND ARMOUR. (District II)**

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No.03-0392

MAPC Recommendation: Approve, subject to platting and conditions. (9-1)  
D.A.B. Recommendation: Approve, subject to platting and conditions. (8-0)  
Staff Recommendation: Approve, subject to platting and conditions.

The applicant requests a zone change from "GC" General Commercial, "LC" Limited Commercial, and DP-12 Kellogg Mall Community Unit Plan (CUP) to Planned Unit Development (PUD) District #16 on a 15.3 acre platted tract located at the northwest corner of Kellogg and Armour. A majority of the subject property is currently developed with the Rusty Eck Ford vehicle dealership. The remainder of the subject property was formerly developed with various commercial businesses that have been or will be razed in conjunction with the Kellogg freeway project. The proposed use of the subject property is to relocate the Rusty Eck Ford vehicle dealership further north and west of the current location.

The character of the surrounding area is that of a regional commercial center with a large regional shopping center and vehicle dealerships being the predominate uses in the area. With the exception of the apartment complex to the west that is zoned "B" Multi-Family and the single-family residences located to the west within the City of Eastborough, the adjoining properties are predominately zoned "LC" Limited Commercial.

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The proposed PUD would consist of two parcels. Parcel 1 (15.3 acres) is proposed for vehicle and equipment sales; vehicle repair, limited and general; car wash; commercial parking area; outdoor storage; vehicle display; vehicle storage yard; service station; and warehousing. Parcel 1 would be developed with a total of seven buildings totaling no more than 200,873 square feet and constructed in four phases that are dependent on the Kellogg freeway construction schedule. Parcel 2 (900 square feet) is proposed for a 672 square foot billboard at a height of 40 feet. Along Kellogg, the PUD also proposes a 400 square foot arbitron sign at a height of 40 feet and a sign up to a maximum size of 300 square feet at a height of 80 feet in addition to all signage permitted by the "GC" General Commercial zoning district. Signage on the remainder of the subject property is proposed to be per the "LC" Limited Commercial zoning district with a 25-foot limitation on sign height. No landscape street yard or landscape buffering is proposed, with the only proposed landscaping being a five-foot strip of evergreen shrubs along Kellogg to be located off-site within the street right-of-way and 20 shade trees around the customer service area adjacent to Armour. Light poles are proposed to be limited to 25 feet in height. An 8-foot high masonry screening wall is proposed along the north and west property lines where adjacent to residential uses. The applicant proposes to comply with many, but not all, of the zoning code standards for operating a vehicle dealership in the "LC" district.

The PUD District is a special purpose zoning district that is intended to encourage innovative land planning and design by allowing development to take advantage of special mixtures of land uses and by allowing minor deviations from zoning standards if not contrary to the general spirit and intent of the zoning code. The applicant indicates that the PUD District is requested for the subject property due to the numerous waivers of the zoning, landscape, and sign code provisions requested for the development. Since many of the requested deviations are not minor, planning staff is recommended conditions of approval pertaining to signage; landscaping; building and site design; site access, circulation, and parking; lighting; setbacks; permitted uses; and operational standards to ensure the intent of the PUD District is met and to ensure consistency with past approvals, including approvals for the subject property.

At the DAB hearing on March 3, 2003, the DAB voted (8-0) to recommend approval of the request. DAB recommended modifying the conditions of approval recommended by staff to require less landscaping, to permit banners and pennants, to permit outdoor speakers for security purposes only, to reduce building height for buildings north of Willow Brook, and to reduce building setbacks where adjacent to the apartment complex. The DAB also recommended that signage be permitted per a compromise agreement between staff and the applicant.

Prior to the MAPC hearing, staff and the applicant met regarding signage and were not able to reach a compromise agreement on the type, amount, and height of signs to permit. At the MAPC hearing on March 6, 2003, staff recommended against the requested billboard and for smaller and shorter signs than the applicant requested. The MAPC voted (9-1) to recommend approval of the request. The MAPC recommended that the applicant's requested signage be permitted. The MAPC also recommended that a requirement that the buildings on the property not have metal as a predominate exterior building material be removed. The MAPC recommended changes to the requested PUD are as follows:

1. General Provisions #1 through #4 shall be eliminated and replaced with General Provisions that read as follows:
  1. One 20' x 20' arbitron sign shall be allowed along Kellogg. The height of this sign shall not exceed 40 feet.
  2. Additional signage along Kellogg shall be allowed per the sign code for "GC" zoning, except that the 20' x 20' arbitron sign shall not be included in the calculated allowed signage and except that one sign shall be permitted to be 80' tall along Kellogg. This sign shall be allowed to be placed with the street right-of-way if a use of street permit is approved by the City Engineer.
  3. Signage along Armour, Willowbrook, and Whittier shall be permitted per the sign code for "LC" zoning, except that these signs shall be limited to a maximum height of 25 feet.
  4. One off-site sign shall be allowed on Parcel 2 of the PUD. Maximum size 14' x 48', maximum height 40'.
  5. All ground-mounted signs shall be spaced a minimum of 150 feet apart.
  6. No portable signs shall be allowed.
2. General Provision #7 shall be modified to add the following:

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Parking areas shall be developed per a site circulation plan approved by the Planning Director prior the issuance of a building permit. Parking spaces for employees and customers shall be marked and designated for employees and customers only and shall not be used for display of vehicles for sale, unless the vehicle is driven by an employee.

3. General Provision #9 shall be modified to replace the reference to “CUP” with a reference to “PUD.”
4. General Provision #11 shall be modified to indicate that the location of access openings shall be approved by the Traffic Engineer. The PUD plan shall be modified to relocate the eastern-most access opening on the Kellogg Frontage Road to a location approved by the Traffic Engineer. The PUD plan also shall be modified to illustrate the Armour Frontage Road as one-way southbound with a right turn channeling design at the Kellogg Frontage Road per the design approved by the City Engineer.
5. The reference to landscaping in the “Notes” section shall be moved to General Provision #12. The existing language in General Provision #12 shall be deleted and replaced with the following:  
  
Landscaping shall be installed per a landscape plan approved by the Planning Director prior to the issuance of a building permit. Required landscaping may be installed within the street right-of-way if a use of street permit is approved by the City Engineer.
6. The second sentence of General Provision #14 shall be deleted and replaced with the following: “All lights shall be shielded to direct light downward, with light source not visible from adjacent residential uses. Lights poles shall be limited to a height of 25 feet.”
7. General Provision #15 shall be modified to replace the term “apartment complex” with the term “residential uses” and to require an 8-foot masonry wall.
8. General Provision #17 shall be modified to add: “per the Screening Standards of the Unified Zoning Code.”
9. General Provision #18 shall be modified to delete the requirement that metal not be a predominate exterior building material and to add the following: “Building elevations shall be reviewed for consistency in architectural character by the Planning Director prior to the issuance of a building permit.”
10. General Provision #21 shall be modified to add the following: “Outdoor speakers and sound amplification systems shall not be permitted, except for a monitored security system and weather notification system.”
11. A general provision shall be added that states the following: “There shall be no use of elevated platforms for the display of vehicles.”
12. For Parcel #1, Item #2, the “Maximum Gross Floor Area” shall be added and shall be limited to 32% or 213,695 square feet.
13. Parcel #1, Item #3 shall be modified to add: “except north of Willow Brook height shall be limited to one story or 30 feet.”
14. Parcel #1, Item #4 shall be modified to state “Setbacks from abutting properties shall be as illustrated on the plan.” The plan shall be modified to provide a 20-foot building setback line along the north and west property lines where abutting the apartment complex south of the electrical substation.
15. For Parcel #1, Item #5, the phrase “ related to vehicle sales, including” shall be replaced with the phrase “shall be limited to following uses and any use determined by the Zoning Administrator to be accessory to or customarily associated with the following uses.” Also, “outdoor storage” shall be removed from the list of permitted uses.
16. The plan shall be modified to show all proposed encroachments of fences, landscaping, parking areas, display areas, and other privately-owned improvements onto public right-of-way. Encroachments of such improvements onto public right-of-way may be permitted only with approval of a use of street permit by the City Engineer.
17. Approval of the PUD shall supersede and make null and void DP-12 Kellogg Mall CUP and BZA Resolution No. 28-94 as they pertain to the subject property.

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18. The applicant shall submit four 24" x 36" folded copies and one 11" x 17" copy of the PUD to the Metropolitan Area Planning Department within 60 days after approval of the PUD by the Governing Body, or the request shall be considered denied and closed.

Motion --

-- carried

Pisciotte moved that the PUD, subject to condition of platting be approved, subject to platting within one-year and to recommended conditions, with Page 4, Item 4; stricken; and the Ordinance to be forwarded to the Council when the Plat is forwarded for approval. Motion carried 7 to 0.

## AIRPORT AGENDA

### AIRPORT

#### STREET SIDE PAVEMENT REHABILITATION.

Agenda Report No. 03-0393

The 2003 Capital Improvement Program allows for street side pavement improvements.

Airport Road, Midfield Road, a portion of the Terminal Loop Road and miscellaneous airfield pavement is in need of rehabilitation. The pavement is deteriorating due to age.

The project is estimated to cost \$485,000 and will be funded with General Obligation Bonds paid with airport revenue.

The plans and specifications will be approved by the Law Department and the Authorizing Resolution has been approved as to legal form.

Motion --

-- carried

Knight moved that the project be approved; the Resolution be adopted; and Staff be authorized to solicit bids. Motion carried 7 to 0.

#### RESOLUTION NO. A-03-003

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### AIRPORT

#### ADMINISTRATION BUILDING HVAC IMPROVEMENTS.

Agenda Report No. 03-0394

On November 19, 2002 City Council approved a project to upgrade the Airport Administration HVAC system.

On May 31, 2002 Howard and Helmer Architects was contracted to study upgrading the HVAC and making energy efficiency improvements to the Administration Building. A contract with Howard and Helmer Architects has been prepared for consulting services.

The consulting services will cost \$33,500 and are within the project budget. The services will be funded with General Obligation Bonds paid with Airport revenue.

Motion --

-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

### AIRPORT

#### REVISED SCHEDULE OF FEES AND CHARGES.

Agenda Report No. 03-0395



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On January 7, 2003 the Wichita Airport Authority (WAA) adopted the 2003 Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport.

In mid-January, a meeting was held with the airline representatives that addressed the basis of those rates and it was agreed that revised landing fee and terminal space rental rates would be calculated. The other rates in the schedule would remain at the established levels.

The revised rates will not impact the ultimate financial position of the airport fund because the settlement clause in the airport/airline use agreement provides that the airlines pay for the agreed upon costs in the airfield and terminal. The reduced rates do provide the airlines with \$300,000 in cash flow relief during strenuous industry conditions without adversely affecting the airport. All of the use rates can be altered at any time should that be necessary to recover costs.

Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion --

Knight moved that the Revised Schedule of Fees and Charges and the Revised Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for passenger airlines all to be effective retroactively to January 1, 2003, be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. A-03-004

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## CAR RENTALS

### ENTERPRISE RENT A CAR AND THRIFTY RENTAL CAR OF WICHITA.

Agenda Report No. 03-0396

Approve the Agreements with Enterprise and Thrifty Rental Car agencies.

In 1993, the Wichita Airport Authority entered into agreements with both Enterprise and Thrifty Rental Car agencies to provide off-airport car rental services to travelers using Wichita Mid-Continent Airport. Compensation to the WAA for allowing access to Wichita Mid-Continent Airport is 8% of gross receipts. Both companies have requested that they be allowed to become "on-airport" operators and to occupy space in the terminal area. This issue was discussed at three meetings of the Wichita Airport Advisory Board (WAAB), one of which included a public hearing to hear comments from interested parties. The WAAB, at its March 3 meeting, voted to allow Enterprise and Thrifty to operate on the airport, and to lease terminal counter and ready-car parking spaces, effective May 1, 2003.

Currently there are six rental car operators located in the terminal building: Avis, Budget, Dollar, Hertz and National/Alamo. Space is available in the terminal to accommodate these two companies, and provide them with ready car spaces. Agreements would expire concurrently with all existing rental car companies on November 30, 2004. Addition of these two companies as on-airport operators would provide more convenience to travelers using Mid-Continent Airport.

Depending upon the level of business done by these two companies, revenues would increase based upon the fact that they would be paying 10% of gross receipts (or a minimum of \$2,000 per month) as opposed to the current payment of 8%. Revenue to the WAA from these two companies in 2002 was \$52,494 at the 8% level.

The Department of Law has opined that the terms of the agreements with the current on-airport rental car agencies do not require the WAA to obtain consent from these agencies before it can place additional agencies in the on-airport spaces. The agreements will be approved as to form by the Department of Law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Dave Denver

Dave Denver, Vice President and General Manager of Budget Rent-a-Car, Wichita, urged the Council not approve this Item.

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Motion -- Knight moved that this Item be deferred two-weeks for the new City Council to consider. Motion  
-- carried carried 7 to 0.

## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess and move to executive session at 1:00 p.m. to consider  
consultation with legal counsel on matters privileged in the attorney-client relationship relating to  
pending and potential litigation, and legal advice; personnel matters of non-elected personnel; and that  
-- carried the City Council return no earlier than 1:40 p.m. Motion carried 7 to 0.

RECESS The City Council recessed at 12:33 p.m. and returned at 1:40 p.m.

Motion -- carried Pisciotte moved that an Item be taken up off the Agenda. Motion carried 7 to 0.

Motion -- Pisciotte moved that the City Manager employment contract be approved, effective April 1, 2003, and  
-- carried the necessary signatures be authorized. Motion carried 7 to 0.

ADJOURNMENT The City Council meeting adjourned at 1:42 p.m.

Pat Graves CMC